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**FINAL FINDING OF SUITABILITY TO TRANSFER (FOST) # 7 FOR CARVE-
OUTS II-F-1, II-Q, AND II-V-1 (PUBLIC DOCUMENT)**

07/01/2012

ENVIRO COMPLIANCE SOLUTIONS, INC.

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FINAL

Finding of Suitability to Transfer #7 for Carve-Outs II-F-1, II-Q, and II-V-1

**Former Marine Corps Air Station
El Toro, California**

July 2012

**Base Realignment and Closure
Program Management Office West
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Prepared under:

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ACRONYMS AND ABBREVIATIONS

ACM	asbestos-containing material
APHO	aerial photograph feature/anomaly
ARPR	area requiring petroleum restrictions
AST	aboveground storage tank
BNI	Bechtel National, Inc.
BRAC	Base Realignment and Closure
CABACO/Tait	CABACO/Tait Environmental Management, Inc.
CCR	California Code of Regulations
CERP	Covenant and Environmental Restriction on Property
CFR	Code of Federal Regulations
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CO	carve-out
DERP	Defense Environmental Restoration Program
DoD	United States Department of Defense
DON	United States Department of the Navy
DTSC	California EPA/Department of Toxic Substances Control
e&e	Ecology and Environment
EBS	Environmental Baseline Survey
FAD	friable, accessible, and damaged
FFA	Federal Facility Agreement
FIFRA	Federal Insecticide, Fungicide, and Rodenticide Act
FOST	Finding of Suitability to Transfer
HSC	Health and Safety Code
IRP	Installation Restoration Program
IT Corp.	International Technology Corporation
JP5	jet propulsion fuel, grade 5
LBP	lead-based paint
LLC	Limited Liability Corporation
LOC	location of concern
MCAS	Marine Corps Air Station
MNA	monitored natural attenuation
MSC	Miscellaneous
NFA	no further action
NFI	no further investigation
NPL	National Priorities List
OCHCA	Orange County Health Care Agency

ACRONYMS AND ABBREVIATIONS

OU	Operable Unit
OWS	oil/water separator
PCB	polychlorinated biphenyl
ppm	parts per million
PRG	Preliminary Remediation Goal
PRL	potential release location
RACR	Remedial Action Completion Report
RCRA	Resource Conservation and Recovery Act
RFA	RCRA Facility Assessment
RI	Remedial Investigation
ROD	Record of Decision
RWQCB	California Regional Water Quality Control Board, Santa Ana Region
SVOC	semi-volatile organic compounds
SWMU	solid waste management unit
TAA	temporary accumulation area
TFA	truck fueling area
U.S.	United States
U.S.C.	United States Code
U.S. EPA	United States Environmental Protection Agency
UST	underground storage tank
VOC	volatile organic compound

1. PURPOSE

The purpose of this Finding of Suitability to Transfer (FOST) #7 is to summarize how the requirements and notifications for hazardous substances, petroleum products, and other regulated material within Carve-Outs (COs) II-F-1, II-Q, and II-V-1 at former Marine Corps Air Station (MCAS) El Toro have been satisfied by the United States Department of the Navy (DON). Through the Base Realignment and Closure (BRAC) process, the DON transferred, by deed(s), certain former MCAS El Toro real property in 2004. Other real property known as COs was retained by the DON, pending further investigation and cleanup to support determinations that the property is environmentally suitable for transfer. This FOST #7 was prepared in accordance with the Department of the Navy Base Realignment and Closure Program Management Office Policy for Processing Findings of Suitability to Transfer or Lease (BRAC 2008), Base Redevelopment and Realignment Manual (United States Department of Defense [DoD] 2006), and is consistent with the DoD Base Redevelopment and Implementation Manual (DoD 1997).

2. PROPERTY DESCRIPTION

Former MCAS El Toro is located in central Orange County, California (Figure 1) and was operationally closed in July 1999. The property proposed for transfer under this FOST #7 consists of 3 COs comprising approximately 150.281 acres. Table 1 presents a summary of the existing remaining buildings and structures within the COs. Figure 2 is a base-wide map that provides the locations of the COs. A brief description of the COs follows:

- CO II-F-1 (Figure 3) – consists of approximately 26.459 acres located in the east-central portion of the former Station and contains no buildings or structures. The DON leased this CO to Heritage Fields, Limited Liability Corporation (LLC), who has subsequently assigned the lease for the majority of this CO to the City of Irvine.
- CO II-Q (Figures 4 & 6) – consists of approximately 83.702 acres located in the central portion of the former Station and contains Buildings 114, 124, 125, 126, 127, 230, 231, 363, 372, 642, 658, 677, 698, 716, 747, 752, 763, 779, 903, 923, 938, 952, and 1804. CO II-Q also contains structures 396, 558, 559, 560, 561, 659, 904, 905, 906, 907, 908, 909, 910, and 911. The DON leased this CO to Heritage Fields, LLC, who has subsequently assigned the lease for the majority of this CO to the City of Irvine.
- CO II-V-1 (Figure 5) – consists of approximately 40.120 acres located along the eastern edge of the former Station and contains no buildings or structures. The DON leased this CO to Heritage Fields, LLC, who has subsequently assigned the lease to the City of Irvine.

3. REGULATORY COORDINATION

Former MCAS El Toro was listed on the U.S. Environmental Protection Agency (U.S. EPA) National Priorities List (NPL) under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) in February 1990. The Defense Environmental Restoration Program (DERP), codified as 10 United States Code (U.S.C.) Sections 2701–2709, gave the DoD Environmental Restoration Program a statutory basis. The DON implements the DERP subject to, and in a manner consistent with, CERCLA and its regulations.

In October 1990, U.S. EPA Region 9, State of California Department of Health Services (now referred to as California EPA/Department of Toxic Substances Control [DTSC]), California Regional Water Quality Control Board, Santa Ana Region (RWQCB) and the DON signed a Federal Facility Agreement (FFA) (DON 1990). The U.S. EPA, DTSC, and RWQCB were notified of the

initiation of this FOST #7 and were issued copies for review. Regulatory agency comments to this FOST #7 are provided in Attachment 1, and unresolved comments are provided in Attachment 2.

3.1 RESOURCE CONSERVATION AND RECOVERY ACT PART B PERMIT AND SUBTITLE C CORRECTIVE ACTION

This FOST #7 reviews sites that were evaluated and addressed under the DON's CERCLA and DERP authority as well as sites addressed under the corrective action requirements of the Resource Conservation and Recovery Act (RCRA) Subtitle C (for solid waste management units [SWMUs]), RCRA Subtitle I (for underground storage tanks [USTs]) and associated state laws and regulations administered by the U.S. EPA, the State of California, and the County of Orange. These corrective action authorities are similar to CERCLA in that they require response/corrective action (cleanup) where necessary to ensure adequate protection of human health and the environment - see Section 121(d) of CERCLA, Health and Safety Code (HSC) Section 25296.10(b), Title 23 California Code of Regulations (CCR) Sections 2720 (definition of "corrective action") and 2725(c), and Title 22 CCR Section 66264.101(a).

A decision that no action is required in order to protect human health and the environment, made by the DON or an environmental regulator under the laws and regulations listed above, also supports a DON determination under Section 120(h) of CERCLA that all remedial action necessary to protect human health and the environment with respect to any such substance remaining on the property has been taken.

Former MCAS El Toro was subject to a RCRA Part B permit that was issued in June 1993 and expired on 18 August 2003. The permit addressed one regulated unit (Building 673-T3) as well as RCRA corrective action requirements for SWMUs. The RCRA permit incorporated the FFA (referred to as the "Agreement") for MCAS El Toro by reference and provided, in relevant part: "The activities required by the Agreement are intended to satisfy the corrective action requirements of RCRA Section 3004(u) and (v), and 42 U.S.C. Section 6924(u) and (v). The Agreement and any schedules contained therein are hereby incorporated by reference as the schedule for completing corrective action at the facility..." (Subsection V.A.1 of the permit). The FFA itself specifically requires that RCRA corrective action requirements be addressed in the FFA process - see subsections 1.1(b), 1.2(e), 3.1, 17.1, 17.2, 17.3, and 19 of the FFA (DON 1990).

The rationale for integrating CERCLA and RCRA corrective action requirements in this fashion is straightforward. The cleanup standard for CERCLA is set forth in Section 121 of CERCLA (Cleanup Standards), which states in the relevant part of Subsection 121(b)(1): "...The President shall select a remedial action that is protective of human health and the environment..." (42 U.S.C. Section 9621(b)(1)). The cleanup standard for RCRA Subtitle C corrective action in the State of California, as set forth in Title 22 CCR Section 66264.101(a), provides: "The owner or operator of a facility seeking a permit for the transfer, treatment, storage, or disposal of hazardous waste shall institute corrective action as necessary to protect human health and the environment for all releases of hazardous waste or constituents from any solid or hazardous waste management unit at the facility, regardless of the time at which waste was placed in such unit." Also see HSC Sections 25187 and 25200.10(b).

In a letter dated 8 March 1996, DTSC concurred with no further action (NFA) for Building 673-T3 and stated that the permit was terminated based on the Closure Certification Report that was submitted by the DON (DTSC 1996a). The DON continues to complete all RCRA Part B permit corrective actions for the SWMUs under the FFA executed in 1990.

DTSC has not made a RCRA Corrective Action Complete Determination for the property associated with this FOST #7. However, DTSC has reviewed the Navy's FOST #7 and concurs that the subject property is suitable for transfer in a manner that is protective of human health and the environment. See attached letters from DTSC to transferee(s) dated 30 July 2012 and 2 August 2012 (Attachment 3).

3.2 RESOURCE CONSERVATION AND RECOVERY ACT SUBTITLE I CORRECTIVE ACTION

The Orange County Health Care Agency (OCHCA) and the RWQCB administer the UST corrective action program at former MCAS El Toro pursuant to RCRA Subtitle I and Section 25280-25299.8 of the California HSC. The authority of OCHCA and the RWQCB to require corrective action at UST sites is set forth at Title 23 CCR, division 3, chapter 16.

These regulations specifically define "corrective action" as "...any activity necessary to investigate and analyze the effects of an unauthorized release; propose a cost-effective plan to adequately protect human health, safety, and the environment and to restore or protect current and potential beneficial uses of water; and implement and evaluate the effectiveness of the activity(ies)..." (Title 23 CCR Section 2720). Furthermore, Section 2725(c) of the regulations sets forth requirements for corrective action plans prepared by responsible parties and states that: "The regulatory agency shall concur with the corrective action plan after determining that implementation of the plan will adequately protect human health, safety, and the environment and will restore and protect current or potential beneficial uses of water."

NFA letters issued by the RWQCB and OCHCA are in accordance with Section 2721(e) of the regulations listed above which provides: "Upon completion of required corrective action, the regulatory agency shall inform the responsible party in writing that no further work is required at that time, based on available information."

HSC Section 25296.10(a) provides that the State Water Resources Control Board "...shall develop corrective action requirements for health hazards and protection of the environment based on the severity of the health hazards and the other factors listed in subdivision (b)..." HSC Section 25296.10(b) provides: "Any corrective action conducted pursuant to this chapter shall ensure protection of human health, safety, and the environment."

The corrective action cleanup standard for USTs implemented by the RWQCB and OCHCA are codified in HSC Section 25296.10(b), Title 23 CCR 2720 (definition of "corrective action") and Title 23 CCR 2725(c) (soil and water investigation phase, corrective action plan). While DTSC has not made a RCRA Corrective Action Complete Determination for the property associated with FOST #7, DTSC has reviewed this FOST #7 and concurs that the property is suitable for transfer in a manner that is protective of human health and the environment. DTSC has issued a letter to the transferee(s) clarifying the corrective action obligations for property associated with this FOST #7, including property that was investigated and cleaned up under the oversight of the RWQCB and the OCHCA (Attachment 3).

3.3 COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION, AND LIABILITY ACT

CERCLA response actions are initiated at environmental sites where CERCLA hazardous substances have been or may have been released. There are two such areas known as Installation Restoration Program (IRP) sites in this FOST #7. CERCLA response actions have been completed at two IRP Sites: 4 and 25, as noted in Section 4.1.

4. SUMMARY OF ENVIRONMENTAL CONDITIONS AND NOTIFICATIONS

This section summarizes the environmental conditions and notifications as they relate to CERCLA and RCRA, petroleum products and derivatives, asbestos-containing materials (ACM), lead-based paint (LBP), and/or other regulated materials. Pursuant to 40 Code of Federal Regulations (CFR) Part 373, the deed(s) for the CERCLA-impacted COs will contain a notice of hazardous substances stored, released, or disposed of, if any, within the CO. This notice is provided in Attachment 4a, the Hazardous Substances Notification Table. Attachment 4b, the Petroleum Products Notification Table, lists the locations of concern (LOCs) associated with the storage of petroleum products only.

Table 2 identifies the environmental requirements and notifications applicable to the COs. Based on an evaluation of the MCAS El Toro Environmental Baseline Survey (EBS) of September 2003 (Earth Tech 2003), hazardous substances, petroleum products, CERCLA, and RCRA response actions, storage tanks, oil/water separators (OWSs), ACM, LBP, and polychlorinated biphenyls (PCBs) were present or have occurred within the COs.

The EBS identified several facilities/features as being associated with a potential release of contaminants into the environment. These locations were first identified during the preparation of the 2003 EBS, and are labeled potential release locations (PRLs). Subsequently, the FFA signatories agreed that the DON would prepare investigation plans, perform field evaluations, and provide conclusions as to whether a PRL needed to be included in a specific regulatory clean-up program, or whether no further investigation (NFI) was warranted. Table 3 and Table 4 identify and provide the status of the PRLs within the COs as indicated on Figure 4. Based on additional records reviews and soil sampling, it was determined that no significant release of hazardous substances or pollutants has occurred; therefore, NFI is warranted at the following PRLs:

- CO II-Q – PRL 114 (DTSC 2005a, U.S. EPA 2005a), PRL 235 (DTSC 2009a), PRL 372 (DTSC 2009a), PRL 658 (DTSC 2005a, U.S. EPA 2005a), PRL 716 (DTSC 2009a), PRL 747 (DTSC 2009a), and PRL 923 (DTSC 2005b, U.S. EPA 2005b).

A petroleum release was identified at PRL 127, and PRL 127 is discussed in Section 4.2.2. Table 4 identifies LOCs within the COs. LOCs are areas where a release is suspected to have occurred, a documented release has occurred, or based on the types of activities that occurred in the area, there was a potential for a release. The types of LOCs present within the COs include: hazardous substance sites, RCRA Facility Assessment (RFA) sites, temporary accumulation areas (TAAs), aerial photograph feature/anomaly (APHO) sites, IRP sites, aboveground storage tanks (ASTs), USTs, OWSs, miscellaneous (MSC) sites, PRL sites, and PCB-containing transformers and equipment. The LOCs within the COs proposed for transfer have received regulatory agency concurrence for NFA with the exception of ongoing petroleum corrective actions for groundwater at: 1) UST 398 within CO II-Q, and: 2) MSC jet propulsion fuel, grade 5 (JP5) pipelines and associated truck fueling areas (TFAs) within CO II-Q. These sites with ongoing petroleum corrective actions for groundwater have received vadose zone soil NFA closure from the RWQCB, but will transfer with restrictions as noted in Section 5.1. NFA designations are based on the findings of evaluations or cleanup actions that these LOCs are suitable for transfer as long as the applicable notifications and restrictions outlined in Sections 4 and 5 respectively are adhered to. This includes LOCs that meet the federal and state definitions of SWMUs and received NFA designations either because no corrective action was required to provide adequate protection of human health and the environment, or the required corrective action has been completed.

4.1 CERCLA/RCRA

The following CERCLA/RCRA sites within the COs received closure and NFA. Site closure actions are detailed in Table 4.

4.1.1 Carve-Out II-F-1 (Figure 3)

There are no CERCLA/RCRA LOCs within CO II-F-1.

4.1.2 Carve-Out II-Q (Figure 4)

APHO Sites – APHO 25 received site closure concurrence (DTSC 1999a, U.S. EPA 1999, RWQCB 2000a). APHO 50 received site closure concurrence (DTSC 1999b, RWQCB 2000a). APHO 98 received site closure concurrence (DTSC 2004a, RWQCB 2003a). APHO 100 received site closure concurrence (DTSC 2003a, RWQCB 2003a).

IRP Sites

IRP Site 4: IRP Site 4 is located immediately southeast of Building 658, a former jet-engine testing facility. The Site is bounded by 9th Street to the south, Building 658 to the north and west, and Tank Farm No. 5 to the east. IRP Site 4 consists of two units: Unit 1 is an oil-stained area southeast of Building 658 which overlaps a concrete transformer pad, and Unit 2 is a drainage ditch which received runoff from a ferrocene spill.

The staining at Unit 1 was the result of oily discharges from Building 658, which were observed over an approximate 2-year period. The contamination at Unit 2 originated from an August 1983 spill, when the contents of a 500-gallon tank (wash water and residual jet fuel) reportedly overflowed during washing and spilled onto the ground, draining into a ditch adjacent to 9th Street. The spilled liquid reportedly contained approximately 5 gallons of ferrocene and a hydrocarbon carrier solution.

Investigations conducted at IRP Site 4 include a Phase I Remedial Investigation (RI) and aerial photograph surveys in 1993. Volatile organic compounds (VOCs) and semi-volatile organic compounds (SVOCs) were below residential Preliminary Remediation Goals (PRGs) in both Units. The human health and ecological risk assessments showed that the contaminants present in the soil do not present an unacceptable risk to human health or the environment. Therefore, no remedial action was required. The NFA Record of Decision (ROD) was signed on 30 September 1997 (DON 1997).

During the RI for IRP Site 4, groundwater monitoring wells were installed near Building 658 and a release of petroleum to groundwater was detected. This release was attributed to jet fuel released from the nearby JP5 pipelines at the former JP5 TFA; the petroleum-impacted groundwater is known as the JP5 TFA Plume. The RWQCB has approved closure of the vadose zone soil for the MSC JP5 pipeline segments and TFA features overlying the plume. An evaluation of natural attenuation of groundwater was completed in 2007, and the RWQCB concurred with monitored natural attenuation (MNA) with long-term monitoring as the groundwater remedy on 31 August 2007. The DON is conducting groundwater monitoring of the JP5 TFA Plume in accordance with the MNA remedy as required by the Monitored Natural Attenuation Evaluation and Long-Term Monitoring Plan, Former JP-5 Truck Fueling Area, Former Marine Corps Air Station, El Toro, California (Wiedemeier & Associates 2007). Figure 6 shows the location of the JP5 TFA Plume, and Section 5.1 summarizes restrictions related to petroleum products and its derivatives.

IRP Site 25. IRP Site 25 comprises Agua Chinon Wash, Bee Canyon Wash, Borrego Canyon Wash, and Marshburn Channel that flow through former MCAS El Toro. Three of these drainages (Agua Chinon Wash, Bee Canyon Wash, and Borrego Canyon Wash) are continuations of natural washes that originate in the Santa Ana Mountains. Surface drainage from the hills and upgradient irrigated farmland combines with runoff generated from extensive paved surfaces at former MCAS El Toro. The on-Station storm water system discharges to the drainage channels, which in turn flow into San Diego Creek. San Diego Creek discharges into upper Newport Bay, about 7 miles downstream from

its intersection with Marshburn Channel. The portion of IRP Site 25 addressed in this FOST #7 is Agua Chinon Wash which traverses CO II-Q.

IRP Site 25 includes drainages that had the potential to contaminate regional groundwater. The Site was formed before the source of the regional VOC groundwater contamination had been identified at IRP Site 24. The Site was identified for a Phase II RI, but the drainages were investigated as part of the Phase I RI for Sites 18 and 24 to evaluate the source of the off-site VOC groundwater plume. Potential contamination within the major drainages and San Diego Creek was assessed by analyzing surface water, sediment, soil, and soil gas samples. Except for the Borrego Canyon Wash, metals and pesticides were detected above former MCAS El Toro background concentrations in all drainages. The human health and ecological risk assessments showed that the contaminants present in these media do not present an unacceptable risk to human health or the environment. Therefore, no remedial action was required. The Draft Final RI Report was completed in 1997 (Bechtel National, Inc. [BNI] 1997), and the IRP Site 25 Final ROD for NFA was signed on 30 September 1997 (DON 1997).

RFA Sites – RFA 13 received site closure concurrence (DTSC 1996b). RFA 15 received site closure concurrence (DTSC 1996b). RFA 16 received site closure concurrence (DTSC 1996b). RFA 40 received site closure concurrence (DTSC 1996b). RFA 41 received site closure concurrence (DTSC 1996b). RFA 210 received site closure concurrence (DTSC 1996b). RFA 257 received site closure concurrence (DTSC 1996b). RFA 258 received site closure concurrence (DTSC 1996b).

TAA Sites – TAA 658 received site closure concurrence (DTSC 2004b). TAA 698 received site closure concurrence (DTSC 2004c). TAA 779 received site closure concurrence (DTSC 2004d).

4.1.3 Carve-Out II-V-1 (Figure 5)

There are no CERCLA/RCRA LOCs within CO II-V-1.

4.2 PETROLEUM PRODUCTS AND DERIVATIVES

The corrective action cleanup standards for petroleum USTs implemented by the RWQCB and OCHCA are codified in HSC Section 25296.10(b), Title 23 CCR 2720 (definition of "corrective action") and Title 23 CCR 2725(c) (soil and water investigation phase, corrective action plan). Site closure actions are detailed in Table 4.

4.2.1 Carve-Out II-F-1 (Figure 3)

There are no petroleum related LOCs within CO II-F-1.

4.2.2 Carve-Out II-Q (Figure 4)

ASTs – AST 126 received site closure concurrence (RWQCB 2011a). AST 372 received site closure concurrence (RWQCB 2000b). AST 658 received site closure concurrence (DTSC 2003b).

USTs - UST 114A received site closure concurrence (RWQCB 1997a). UST 114B received site closure concurrence (RWQCB 1999a). UST 114C received site closure concurrence (OCHCA 2004). UST 126 received site closure concurrence (RWQCB 1996). UST 204 received site closure concurrence (RWQCB 2003b). UST 205 and UST 207 received site closure concurrence (OCHCA 1998a). UST 206 received site closure concurrence (RWQCB 2008). UST 208, UST 209, UST 211, UST 213, and UST 215 received site closure concurrence (OCHCA 1997a). UST 210, UST 212, and UST 214 received site closure concurrence (OCHCA 1996). UST 372A received site closure concurrence (OCHCA 2000a). UST 372B received site closure concurrence (RWQCB 1995). UST 398 received NFA concurrence for vadose zone soil (RWQCB 2011b); however, the petroleum groundwater plume associated with UST 398 is part of an ongoing petroleum corrective action. The

area requiring petroleum restrictions (ARPR) for UST 398 is shown on Figure 6 and the restrictions are listed in Section 5.1. UST 658A and UST 658B received site closure concurrence (OCHCA 1998b). UST 716A received site closure concurrence (OCHCA 1998c and RWQCB 1999b). UST 763B received site closure concurrence (OCHCA 2000b). UST 902A, UST 902B, and UST 902C received site closure concurrence (OCHCA 2000c). UST T-6 received site closure concurrence (OCHCA 1997a). UST T-7 and UST T-8 received site closure concurrence (OCHCA 2000d). UST T-9 received site closure concurrence (OCHCA 1997b).

OWSs – OWS 658C and OWS 658D received site closure concurrence (RWQCB 2003c). OWS 658E received site closure concurrence (RWQCB 2003d). OWS 716B received site closure concurrence (OCHCA 1998c and RWQCB 1999b). OWS 763A received site closure concurrence (OCHCA 2000b).

PRL Site – A petroleum release was identified and evaluated at PRL 127, and the RWQCB concurred with no further action (RWQCB 2009).

MSC Sites – The portions of MSC JP5 pipelines with associated TFA within CO II-Q received vadose zone soil closure concurrence (RWQCB 2011c), however, the petroleum groundwater plume associated with the MSC JP5 pipelines and associated TFA is part of an ongoing petroleum corrective action. The ARPR is shown on Figure 6 and the restrictions are listed in Section 5.1.

4.2.3 Carve-Out II-V-1 (Figure 5)

There are no petroleum related LOCs within CO II-V-1.

4.3 ASBESTOS-CONTAINING MATERIAL

It is DoD policy to manage ACM in a manner protective of human health and the environment, and to comply with all applicable federal, state, and local laws and regulations governing ACM hazards (DoD 1994). Therefore, unless it is determined by a competent authority that ACM on the property poses a threat to human health at the time of transfer, all property containing ACM will be conveyed, leased, or otherwise disposed “as is” through the BRAC process. If ACM in a building does pose a threat to human health or the environment, occupation of the building will be prohibited until the ACM is abated or the building is demolished by a transferee. Remediation of ACM is not required in buildings that are scheduled for demolition by the transferee.

Buildings require a survey if they have never been surveyed for ACM; non friable, accessible, and damaged (FAD) ACM was detected in a survey that was conducted prior to but not since 1997 (i.e., not within the last three (3) years of Station operation) or they were surveyed for FAD ACM only and therefore, the presence of non-FAD ACM is unknown.

There are a total of 23 non-residential buildings and 14 structures within CO II-Q. A total of 17 non-residential buildings within CO II-Q have been surveyed and the coating on a segment of the MSC JP5 pipeline within CO II-Q has been sampled for ACM. Information on the existence, extent, and condition of ACM at these buildings and structures is provided in Table 5.

4.4 LEAD-BASED PAINT

Notification of potential LBP at buildings and structures is based on the age of construction (i.e., constructed before the Consumer Product Safety Commission’s 1978 ban on LBP for residential use). CO II-Q contains buildings and structures that were constructed prior to 1978 and, therefore, suggests the likelihood that LBP may be present. This in turn creates the possibility that, through the action of normal weathering and maintenance, there may be lead from LBP in the soil surrounding

these buildings and structures. Construction dates for each of the buildings and structures in CO II-Q are summarized in Table 1. There are no buildings or structures located in CO II-F-1 or CO II-V-1.

Demolition of non-residential buildings and structures constructed prior to 1978 creates the possibility of lead being found in the soil as a result of such activities. With respect to any such non-residential buildings and structures which the transferee intends to demolish and redevelop for residential use after transfer, the transferee may, under applicable law or regulation, be required by DTSC or other regulatory agencies to evaluate the soil adjacent to such non-residential buildings and structures for soil-lead hazards, and to abate any such hazards that may be present after demolition of such non-residential buildings and structures, and prior to occupancy of any newly constructed residential buildings.

There are no residential buildings or structures associated with FOST #7. No LBP surveys were conducted for buildings and structures associated with FOST #7. See Section 5.3 for restrictions.

4.5 POLYCHLORINATED BIPHENYLS

The DON has investigated potential releases of PCBs into the environment pursuant to its CERCLA authority and did not identify any such releases that required CERCLA remedial action. Therefore, all necessary remedial action to address PCB releases has been taken.

Ballasts in fluorescent light fixtures made prior to 1979 may contain sealed PCB-containing components. A comprehensive survey at the former Station for PCB-containing light ballasts has not been conducted; however, it is assumed that buildings, structures, and facilities constructed prior to 1979 have PCBs in the ballast of older light fixtures. It should be noted that many buildings that were constructed prior to 1979 have had interior renovations and new light fixtures installed that do not contain PCBs.

Fluorescent light ballasts manufactured before 1979 often contain PCB capacitors. No action is required at buildings, structures, and/or facilities unless large quantities of PCB-containing fluorescent light ballasts are removed. According to DON guidance on the disposal of fluorescent light ballasts containing PCBs (DON 1989), when a large quantity of PCB capacitors needs to be disposed, they should be handled as regulated PCB equipment. Fluorescent light ballasts that contain PCBs have approximately 1.0 to 1.5 ounces of PCB fluid in each capacitor. There are approximately 3.1 to 4.7 pounds of PCB fluid for every 50 PCB small capacitors in fluorescent light ballasts. The transferee may, under applicable laws and regulations, be required by DTSC or other regulatory agencies to address disposal of light fixtures if they remove them following transfer of the property.

4.5.1 Carve-Out II-Q (Figure 4)

Transformers PCB T14, T20, T21, T58, T60, T89, and T94 within CO II-Q were replaced with a non-PCB transformer and no evidence of a release has been identified at these transformer locations (DTSC 2003c and U.S. EPA 2003). Transformer PCB T109 was removed during UST excavation activities related to former Tank Farm 6 (DTSC 2003c and U.S. EPA 2003), and no evidence of a release has been identified at this transformer location. Non-transformer PCB items with less than 10 parts per million (ppm) PCB concentrations were associated with Buildings 208 and 372. NFA was received at these non-transformer PCB locations (DTSC 2003c and U.S. EPA 2003).

4.6 PESTICIDES

The transferee is hereby notified that the property may contain pesticide residue from pesticides that have been applied in the management of the property. The DON knows of no use of any registered pesticide in a manner inconsistent with its labeling and believes that all applications were made in accordance with the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (7 U.S.C. Section

136, et seq.), its implementing regulations, and according to the labeling provided with such substances. It is the DON position that it shall have no obligation under the covenants provided pursuant to Section 120(h)(3)(A)(ii) of CERCLA, 42 U.S.C. Section 9620(h)(3)(A)(ii), for the remediation of legally applied pesticides.

5. SUMMARY OF RESTRICTIONS

This section summarizes restrictions, if any, related to petroleum products and derivatives, ACM, and/or LBP. These restrictions ensure that post-transfer use of the CO areas is consistent with protection of human health and the environment.

5.1 PETROLEUM PRODUCTS AND DERIVATIVES

5.1.1 Carve-Out II-Q (Figure 6)

Former UST 398 and MSC JP5 pipelines with associated TFA – Former UST 398 and MSC JP5 pipelines with associated TFA are part of an ongoing petroleum corrective action related to groundwater. Therefore, land use restrictions for these petroleum plume areas will be incorporated into and implemented through two separate legal instruments: (1) a quitclaim deed between the DON and the transferee and (2) a Covenant and Environmental Restriction on Property (CERP) (hereinafter referred to as the RWQCB Covenant) between the DON and the RWQCB.

In order to limit the exposure to petroleum and its derivatives and to maintain the integrity of the corrective action until the corrective action is complete, the RWQCB Covenant will restrict the following activities within the ARPR as shown on Figure 6 without prior review and approval from the DON and RWQCB:

- Any activity that causes or facilitates the movement of known contaminated groundwater;
- Alteration, disturbance, or removal of any component of a corrective action, including but not limited to, groundwater monitoring wells (Table 6) and associated equipment, or associated utilities;
- Extraction of groundwater and installation of new groundwater wells; and
- Removal of or damage to security features (for example, locks on monitoring wells, survey monuments, fencing, signs, or monitoring equipment and associated appurtenances).

5.2 ASBESTOS-CONTAINING MATERIAL

The transferee will be required to comply with the specific restrictions listed below for ACM that has been identified within CO-II-Q. Information on the existence, extent, and condition of ACM at buildings, structures, and MSC JP5 Pipelines within CO II-Q is provided in Table 5.

Except for short-term tours and emergency maintenance, access, use, or occupancy is prohibited pending either (1) completion of ACM surveys and completion of any necessary ACM abatement by the transferee or (2) demolition by the transferee, in accordance with all applicable local, state, and federal laws and other requirements relating to asbestos or ACM. Pending completion of abatement or demolition, the transferee shall manage the ACM in accordance with all such applicable local, state, and federal laws and requirements. This restriction is applicable to all buildings, structures, and MSC JP5 Pipelines located within CO II-Q.

5.3 LEAD-BASED PAINT

In its use and occupancy of the property, including, but not limited to: demolition of buildings, structures, and identification and/or evaluation of any LBP hazards, the transferee shall be

responsible for managing LBP and LBP hazards in accordance with applicable federal, state, and local laws, and other requirements relating to LBP and LBP hazards.

Non-residential buildings and structures constructed prior to 1978 (Table 1) may not be used for residential use or child-occupied buildings and structures unless the transferee performs any necessary evaluation(s) and abatement in accordance with all federal, state, and local laws and other applicable requirements. This restriction applies to all buildings and structures located within CO II-Q (Table 1).

6. ADJACENT PROPERTIES

The COs in this FOST #7 are primarily adjoined by property previously transferred under the MCAS El Toro FOST of July 2004 (DON 2004), or subsequent FOSTs. A review of all the available information, including review of records from the RWQCB Geotracker website, as well as DTSC EnviroStor website, indicate no known sources of contamination on the adjoining properties. However, the COs are also adjacent to COs remaining under DON that require additional remediation as described below.

CO II-Q is adjoined to the northeast by CO II-D (Figure 2). CO II-D includes IRP Site 3, Original Landfill. The Final ROD (DON 2008) documents the final selected remedy for soil and NFA for groundwater. The final selected remedy for soil includes a landfill cap, landfill gas monitoring and control system, groundwater monitoring, and institutional controls. Construction activities are complete and the landfill remedy is in place. The landfill remedy has achieved the Remedial Action Objectives specified in the Final ROD. As such, a Draft Remedial Action Completion Report (RACR) has been issued which also documents that the Site is protective of human health and the environment.

CO II-F-1 adjoins DON-retained CO II-F-2 and CO II-F-3. The CO II-F-3 is associated with former Tank Farm 555 area petroleum corrective action related to groundwater undergoing MNA (Figure 2). The CO II-V-1 adjoins DON retained CO II-V-2 which is associated with IRP Site 1 and IRP Site 2 groundwater plumes undergoing remediation (Figure 2). Buffer zones within the retained COs are sufficient for containing the plumes and protect COs II-F-1 and II-V-1.

7. COVENANTS

The deed for transfer of CO II-V-1 on which there has been no release or disposal of hazardous substances or petroleum products or petroleum derivatives, and for which required regulatory concurrence as to such status has been obtained, will include a covenant made pursuant to CERCLA Section 120(h)(4)(D)(i). Such covenant will warrant that any response action or corrective action found to be necessary after the date of transfer shall be conducted by the U.S. This covenant shall not apply to any response action or corrective action required on the CO that is a result of an act or omission of the transferee.

The deed for transfer of CO II-Q and CO II-F-1 on which “any hazardous substance was stored for one year or more, [or] known to have been released, or disposed...” as a result of former activities conducted by the U.S., will include a covenant made pursuant to CERCLA Section 120(h)(3)(A)(ii) and (B). The covenant will warrant that all remedial action necessary to protect human health and the environment with respect to any hazardous substance remaining on the property has been taken before the date of transfer and that “any additional remedial action found to be necessary after the date of such transfer shall be conducted by the United States.” This covenant will not apply to any remedial action required on COs that is the result of an act or omission of the transferee that causes a new release of hazardous substances.

8. ACCESS CLAUSE

The deed(s) will reserve and the transferee shall grant to the U.S. (DON and U.S. EPA) access to CO II-Q and CO II-F-1 pursuant to CERCLA Section 120(h)(3)(A)(iii) and CO II-V-1 pursuant to the provisions of CERCLA Section 120(h)(4)(D)(ii). The DTSC, RWQCB, and U.S. EPA and their successors and assigns shall also be granted access to the property to enter the COs in any case in which remedial action or corrective action is found necessary on COs after the date of transfer.

In addition, the deed(s) will provide for a right of access for the U.S. to traverse property owned by the transferee to gain access to property still owned by the U.S.

9. FINDING OF SUITABILITY TO TRANSFER

Based on the information contained in this FOST #7 and the notices, restrictions, and covenants that will be contained in the deed(s), COs II-F-1, II-Q, and II-V-1 at former MCAS El Toro are suitable for transfer.

Date: 8/3/12Signature: Laura Duchnak
Laura Duchnak
Director BRAC PMO West

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TABLES

Table 1: Buildings/Structures

Carve-Out	Building/Structure Number	Building/Structure/Description	Year of Construction	Square Feet
Carve-Out II-Q				
II-Q	114	Maintenance Hangar	1966	32,921
II-Q	124	Maintenance Hangar	1943	6,240
II-Q	125	Maintenance Hangar	1943	4,224
II-Q	126	Maintenance Hangar	1943	4,224
II-Q	127	Tire Storage Plant	1943	4,026
II-Q	230	Paint Locker	1943	78
II-Q	231	Paint Locker	1943	78
II-Q	363	Petroleum, oil, and lubricants (POL) Pipeline Shelter	1952	200
II-Q	372	Airfield Operations /Control Tower	1954	26,375
II-Q	S396	Aircraft Truck Fueling	<1958	140
II-Q	S558	Aircraft Truck Fueling Facility	<1973	160
II-Q	S559	Aircraft Truck Fueling Facility	<1973	160
II-Q	S560	Aircraft Truck Fueling Facility	<1973	160
II-Q	S561	Aircraft Truck Fueling Facility	<1973	160
II-Q	642	Electric Power Plant	1969	144
II-Q	658	Jet Engine Testing Facility	1972	2,894
II-Q	S659	Storage Tank non potable water	<1973	25,000 Gallons
II-Q	677	Meteorological Building	<1973	8
II-Q	698	Line Maintenance Shelter	1975	900
II-Q	716	Engine Test Cell / Hush House	1978	8,880
II-Q	747	Contract Refueler Facility	1983	1,200
II-Q	752	Fuel Farm No. 5 Office	1983	348
II-Q	763	Aircraft Washrack Utility Building	1984	684
II-Q	779	Hazardous Waste Collection Facility	1983	204
II-Q	903	Shelter	<1997	315
II-Q	S904	Aircraft Fueling Station	<1997	800
II-Q	S905	Aircraft Fueling Station	<1997	800
II-Q	S906	Aircraft Fueling Station	<1997	800
II-Q	S907	Aircraft Fueling Station	<1997	800
II-Q	S908	Aircraft Fueling Station	<1997	800
II-Q	S909	Aircraft Fueling Station	<1997	800
II-Q	S910	Aircraft Fueling Station	<1997	800
II-Q	S911	Aircraft Fueling Station	<1997	800
II-Q	923	Drop Tank Rinse Facility	1993	576
II-Q	938	Vacant Hazardous Waste Storehouse	<1997	272
II-Q	952	Hazardous Waste Storehouse	<1997	272
II-Q	1804	Vacant Maintenance Hangar	1966	480

Source: Earth Tech 2003 and Enviro Compliance Solutions, Inc. (ECS) field visit and review of station records in April 2011

Notes: Buildings/structures that have been demolished or removed are not shown.

Acronyms and Abbreviations:

ECS = Enviro Compliance Solutions, Inc.
MCAS = Marine Corps Air Station
POL = petroleum, oil, and lubricants
S = structure
< = before specified year

Table 2: Environmental Requirements and Notifications

	Applicable to Property		
	Carve-Out		
Environmental Factors Considered	II-F-1	II-Q	II-V-1
Presence of Hazardous Substances (Notification)	N	Y	N
CERCLA/RCRA (Response/Corrective Action)	N	Y	N
Presence of Petroleum Products and Derivatives	N	Y	N
UST/AST Storage Tanks (Closure/Removal)	N	Y	N
Munitions and Explosives of Concern – Response Actions	N	N	N
Asbestos-Containing Material	N	Y	N
Lead-Based Paint	N	Y	N
Polychlorinated Biphenyls	N	Y	N
Pesticides (Agricultural)	Y	Y	Y

Acronyms and Abbreviations:

AST	=	Aboveground Storage Tank
CERCLA	=	Comprehensive Environmental Response, Compensation, and Liability Act
MCAS	=	Marine Corps Air Station
N	=	No
RCRA	=	Resource Conservation and Recovery Act
UST	=	underground storage tank
Y	=	Yes

Table 3: Potential Release Locations

LOC ID	Building Number/ Location	Description	Closure Report Title/Date	NFA and NFI Letter Agency/Date	Notes
Carve-Out II-Q					
PRL 114	114	Maintenance Hangar	Summary Report for Group I PRLs February 2005 by Earth Tech	Department of Toxic Substances Control (DTSC) 07/13/2005 U.S. Environmental Protection Agency (U.S. EPA) 03/16/2005	Potential Release Location (PRL) 114 is associated with Maintenance Hangar 114. No significant staining or other evidence of release was observed at Building 114 and its vicinity during the visual site inspection (VSI) in 2004. NFI was recommended for PRL 114 in the February 2005 Summary Report for Group I PRLs and regulatory concurrence was obtained.
PRL 235	235	Former Bore Sighting Range/Pistol Range	Summary Report for Group V PRLs December 2008 by Earth Tech	DTSC 02/04/2009	This facility is a former bore sighting range/pistol range. Facility has been removed. All available records were reviewed and evaluated and NFI was recommended for PRL 235 in the December 2008 Summary Report for Group V PRLs. Regulatory concurrence on NFI was obtained
PRL 372	372	Airfield Operations/Control Tower	Summary Report for Group V PRLs December 2008 by Earth Tech	DTSC 02/04/2009	PRL 372 is associated with Building 372. Pad mounted transformers were identified with stickers indicating less than 50 parts per million polychlorinated biphenyls. No leaks or stains were observed near the transformers. NFI was recommended for PRL 372 in the December 2008 Summary Report for Group V PRLs and regulatory concurrence was obtained.
PRL 658	658	Jet Engine Testing Facility	Summary Report for Group I PRLs February 2005 by Earth Tech	DTSC 07/13/2005 U.S. EPA 03/16/2005	PRL 658 is associated with Building 658. No investigation activities were proposed for PRL 658 based on the review of previously completed investigations and closure. NFI was recommended for PRL 658 in the February 2005 Summary Report for Group I PRLs and regulatory concurrence was obtained.
PRL 716	716	Engine Test Cell / Hush House	Summary Report for Group V PRLs December 2008 by Earth Tech	DTSC 02/04/2009	PRL 716 is associated with Building 716. A possible release of a waste. Staining on concrete pad and nearby soil and stressed vegetation was observed during the 2004 VSI. A catch basin for stormwater is situated outside the building. Sumps and trench drains are situated in the facility. A floor drain was identified in a former engine test cell. A hydraulic pit is situated in the facility. Soil sampling was conducted in June 2005 and based on the review of the soil sampling data, NFI was recommended for PRL 716 in the December 2008 Summary Report for Group V PRLs and regulatory concurrence was obtained.

Table 3: Potential Release Locations

LOC ID	Building Number/ Location	Description	Closure Report Title/Date	NFA and NFI Letter Agency/Date	Notes
PRL 747	747	Contract Refueler Facility	Summary Report for Group V PRLs December 2008 by Earth Tech	DTSC 02/04/2009	PRL 747 is associated with Building 747. Stained areas were noted within concrete berm and at certain locations surrounding concrete bermed area during 2002 VSI. Possible releases of fuel may have occurred due to fuel sampling activities conducted in the past. Soil sampling was conducted in June 2005 and based on the review of the soil sampling data, NFI was recommended for PRL 747 in the December 2008 Summary Report for Group V PRLs and regulatory concurrence was obtained.
PRL 923	923	Drop Tank Rinse area runoff	Summary Report for Group II PRLs March 2005 by Earth Tech	DTSC 11/02/2005 U.S. EPA 04/07/2005	PRL 923 is associated with Building 923. This building was utilized as a drop tank rinse facility. A sump was observed in the northwestern portion of Building 923. Soil sampling was completed in January 2005. NFI was recommended for PRL 923 in the March 2005 Summary Report for Group II PRLs and regulatory concurrence was obtained.

Source: Earth Tech 2003 and Review of Records by Enviro Compliance Solutions, Inc., in April 2011.

Acronyms and Abbreviations

DTSC	= Department of Toxic Substances Control
EBS	= environmental baseline survey
ID	= Identification
LOC	= location of concern
MCAS	= Marine Corps Air Station
NFA	= no further action
NFI	= no further investigation
PRL	= potential release location
U.S. EPA	= U.S. Environmental Protection Agency
VSI	= visual site inspection

Table 4: Locations of Concern

LOC ID	Building Number/ Location	Description	Closure Report Title/Date	NFA Letter Agency/Date	Notes
Carve-Out II-F-1					
There are no CERCLA or Petroleum locations of concern (LOCs) within Carve-Out (CO) II-F-1					
Carve-Out II-Q					
APHO 25	Agua Chinon Wash	Disturbed Ground and Excavation	Summary Report, APHO 25, Mounded Material 08/10/1999 by Naval Facilities Engineering Command (NAVFAC) Engineering Field Division (EFD) Southwest (SW)	California Department of Toxic Substances Control (DTSC) 08/31/1999 U.S. EPA 10/06/1999 Regional Water Quality Control Board Santa Ana Region (RWQCB) 03/31/2000	APHO 25 is located near Agua Chinon Wash. Historical facility records were reviewed and a Summary Report recommending NFA was submitted in 1999. Regulatory concurrence on NFA has been obtained.
APHO 50	Tank Farm No. 5	Disturbed Ground and Excavation	Summary Report, APHO 50, Former Trench or other Linear Feature 09/29/1999 by NAVFAC EFD SW	DTSC 11/30/1999 RWQCB 03/31/2000	APHO 50 was located near former Tank Farm 5 and Agua Chinon Wash. Historical facility records were reviewed and a Summary Report recommending NFA was submitted in 1999. Regulatory agency concurrence of NFA recommendation has been obtained.
APHO 98	372	Wet Soil	Information Package, APHO 87, 90, 98, 99, 100, and 109 May 2003 by NAVFAC EFD SW	RWQCB 08/14/2003 DTSC 07/09/2004	Identified on a 1967 photograph. Wet soil was noted near Facility 1793 and Facility 372, and near the edge of an aircraft parking apron. There were three former fuel storage tanks located adjacent to Facility 372 (Underground Storage Tanks [USTs] 902A, 902B, and 902C). The tanks were removed and the site was closed in 2000. NFA was recommended at Aerial Photograph Feature/Anomaly (APHO) 98, due to the proximity of this anomaly to a former fuel storage area. RWQCB and DTSC concurred with recommendation of NFA.

Table 4: Locations of Concern

LOC ID	Building Number/ Location	Description	Closure Report Title/Date	NFA Letter Agency/Date	Notes
APHO 100	114	Liquid Flowing	Information Package, APHOs 87, 90, 98, 99, 100, and 109 May 2003 by NAVFAC EFD SW	DTSC 06/25/2003 RWQCB 08/14/2003	Identified on a 1967 photograph. Liquid was reported to be flowing from Facility 114. Facility 114 is adjacent to a former wash rack. The wash rack was evaluated and granted an NFA status in 1996. The tank (UST 763B) and Oil/Water Separator (OWS) 763A associated with the wash rack have been removed and closed. NFA was recommended for APHO 100 based upon results of sampling for the wash rack and the removal of the associated tank and OWS. Based on a VSI conducted in June 2003, DTSC and RWQCB concurred with recommendation of NFA.
IRP Site 4	658	Ferrocene Spill Area (Operable Unit [OU]-3)	Final Record of Decision (ROD), OU 2A & 3A, No Action Sites 09/30/1997 by NAVFAC SW	U.S.EPA, DTSC, RWQCB 09/30/1997	<p>Installation Restoration Program (IRP) Site 4 consists of two units: Unit 1 is an oil-stained area southeast of Building 658 which overlaps a concrete transformer pad, and Unit 2 is a drainage ditch which received runoff from a ferrocene spill.</p> <p>The staining at Unit 1 was the result of oily discharges from Building 658, which were observed over an approximate 2-year period. The contamination at Unit 2 originated from an August 1983 spill, when the contents of a 500-gallon tank (wash water and residual jet fuel) reportedly overflowed during washing and spilled onto the ground, draining into a ditch adjacent to 9th Street. The spilled liquid reportedly contained approximately 5 gallons of ferrocene and a hydrocarbon carrier solution</p> <p>Investigations conducted at IRP Site 4 include a Phase I Remedial Investigation (RI) and aerial photograph surveys in 1993. Volatile organic compounds (VOCs) and semi-volatile organic compounds (SVOCs) were below residential Preliminary Remediation Goals (PRGs) in both units. The human health and ecological risk assessments showed that the contaminants present in the soil do not present an unacceptable risk to human health or the environment. Therefore, no remedial action was required. The ROD was signed on 30 September 1997.</p>

Table 4: Locations of Concern

LOC ID	Building Number/ Location	Description	Closure Report Title/Date	NFA Letter Agency/Date	Notes
					During the RI of IRP Site 4, groundwater monitoring wells were installed near Building 658 and a release of petroleum to groundwater was detected. This release was attributed to jet fuel released from the nearby jet propulsion fuel, grade 5 (JP5) pipelines at the former JP5 Truck Fueling Area (TFA); the petroleum-impacted groundwater is known as the JP5 TFA Plume. The RWQCB has approved closure of the vadose zone soil for the Miscellaneous (MSC) JP5 pipeline segments and TFA features overlying the plume. An evaluation of natural attenuation of groundwater was completed in 2007, and the RWQCB concurred with monitored natural attenuation (MNA) with long-term monitoring as the groundwater remedy on 31 August 2007. The Department of the Navy (DON) is conducting groundwater monitoring of the JP5 TFA Plume in accordance with the MNA remedy as required by the Monitored Natural Attenuation Evaluation and Long-Term Monitoring Plan, Former JP-5 Truck Fueling Area, Former Marine Corps Air Station, El Toro, California. (Wiedemeier & Associates 2007).
IRP Site 25	N/A	Major Drainages (OU-2A)	Final ROD, OU 2A & 3A, No Action Sites 09/30/1997 by NAVFAC SW	U.S. Environmental Protection Agency (U.S. EPA), DTSC, RWQCB 09/30/1997	IRP Site 25 consisted of four drainage channels that flow through or adjacent to the Station and receive storm water discharges from the Station. Concentrations of metals, pesticides, and petroleum products below levels requiring response actions were detected at the site. The NFA ROD was signed on 09/30/1997
RFA 13	114 and 115	Drop Tank Storage Area	Final RFA report July 1993 by Jacobs Engineering Group (JEG) and Final Addendum to RFA report May 1996 by Bechtel National, Inc. (BNI)	DTSC 07/23/1996	NFA status was identified in the final Resource Conservation and Recovery Act (RCRA) Facility Assessment (RFA) report (JEG 1993) and regulatory concurrence obtained.

Table 4: Locations of Concern

LOC ID	Building Number/ Location	Description	Closure Report Title/Date	NFA Letter Agency/Date	Notes
RFA 15	N/A	Wash water Runoff Site associated with Aircraft Fueling Station	Final RFA report July 1993 by JEG and Final addendum to RFA report May 1996 by BNI	DTSC 07/23/1996	Wash water runoff site situated adjacent to former JP5 Fueling Station 576. Site is inactive. NFA status identified in the final RFA report (JEG 1993) and DTSC concurred with NFA recommendation in a letter dated 07/23/96.
RFA 16	N/A	Wash water Runoff Site associated with Aircraft Fueling Station	Final RFA report July 1993 by JEG and Final addendum to RFA report May 1996 by BNI	DTSC 07/23/1996	Wash water runoff sites situated adjacent to former Fueling Station 574. Site is inactive. NFA status identified in the final RFA report (JEG 1993) and DTSC concurred with NFA recommendation in a letter dated 07/23/96.
RFA 40	127	Drum Storage Area	Final RFA report July 1993 by JEG and Final addendum to RFA report May 1996 by BNI	DTSC 07/23/1996	RFA 40, a former drum storage area in the vicinity of Building 127 and RFA 41, was not located during the RFA. The site was described in a letter dated June 23, 1989. NFA was recommended in the RFA report (JEG 1993) and regulatory concurrence was obtained in a letter dated 7/23/1996.
RFA 41	127	Vehicle Wash Rack	Final RFA report July 1993 by JEG and Final addendum to RFA report May 1996 by BNI	DTSC 07/23/1996	RFA 41, a former vehicle wash rack, was located near Building 127. Soil samples were collected during the RFA Sampling Visit. NFA was recommended in the RFA report (JEG 1993), and DTSC concurred with NFA recommendation in a letter dated 07/23/96.
RFA 210	763	Vehicle Wash Rack	Final RFA report July 1993 by JEG and Final addendum to RFA report May 1996 by BNI	DTSC 07/23/1996	Inactive vehicle wash rack. NFA status was identified in final RFA report (JEG 1993) and DTSC concurred with NFA recommendation in a letter dated 07/23/96.

Table 4: Locations of Concern

LOC ID	Building Number/ Location	Description	Closure Report Title/Date	NFA Letter Agency/Date	Notes
RFA 257	N/A	Wash water Runoff Site associated with Aircraft Fueling Station	Final RFA report July 1993 by JEG and Final addendum to RFA report May 1996 by BNI	DTSC 07/23/1996	Wash water runoff sites near former Aircraft Direct Fueling Station 575. Site is inactive. NFA status identified in the final RFA report (JEG 1993) and DTSC concurred with NFA recommendation in a letter dated 07/23/96.
RFA 258	N/A	Wash water Runoff Site associated with Aircraft Fueling Station	Final RFA report July 1993 by JEG and Final addendum to RFA report May 1996 by BNI	DTSC 07/23/1996	Wash water runoff sites near former Aircraft Direct Fueling Station 577. Site is inactive. NFA status identified in the final RFA report (JEG 1993) and DTSC concurred with NFA recommendation in a letter dated 07/23/96.
TAA 658	658	< 90-day Accumulation Point	Addendum to Closure Report for Temporary Accumulation Area 658 05/27/2003 By Shaw	DTSC 09/01/2004	Temporary Accumulation Area (TAA) 658 also known as Solid Waste Management Unit (SWMU)/Area of Concern (AOC) 171. Site assessment and soil sampling was completed in March 2003. An addendum to closure report was submitted on 05/27/2003 to DTSC and DTSC concurred with the NFA recommendation in a letter dated 09/01/2004.
TAA 698	698	< 90-day Accumulation Point	Closure Report TAA 698 06/06/2003 By Shaw	DTSC 09/28/2004	TAA 698 also known as SWMU/AOC 252. Soil sampling was completed in February 2003. A closure report was submitted on 06/06/2003 to DTSC and DTSC concurred with the NFA recommendation in a letter dated 09/28/2004.
TAA 779	779	< 90-day Accumulation Point	Addendum to Closure Report TAA 779 02/05/2003 By IT Corp.	DTSC 09/07/2004	TAA 779 also known as SWMU/AOC 227. Soil sampling was completed in December 2002. An addendum to closure report was submitted on 02/05/2003 to DTSC and DTSC concurred with the NFA recommendation in a letter dated 09/07/2004.

Table 4: Locations of Concern

LOC ID	Building Number/ Location	Description	Closure Report Title/Date	NFA Letter Agency/Date	Notes
AST 126	126	300 Gallon Oil Tank	Information Package, Aboveground Storage Tank (AST) 126. 11/06/2001 by NAVFAC EFD SW	RWQCB 06/03/2011	Tank has been removed. No releases identified. The RWQCB concurred with the NFA in a letter dated 06/03/2011.
AST 372	372	275 Gallon Diesel Tank	Summary Report, Former AST 372 07/24/2000 by NAVFAC EFD SW	RWQCB 08/28/2000	Tank has been removed. NFA decision by RWQCB as of 08/28/2000.
AST 658	658	200 Gallon Ferrocene Tank	Information Package, AST 658 04/04/2002 by NAVFAC EFD SW	DTSC 03/10/2003	Formerly situated at Building 658 near IRP Site 4. Tank has been removed and NFA was received as of 03/10/2003.
UST 114A	114	1,500 Gallon Fuel Oil Tank	Technical Memorandum, Former UST Sites 114A, 295, 296, 435, 455, 605A, and 606A 03/21/1997 by NAVFAC EFD SW	RWQCB 04/11/1997	UST removal completed on 10/11/91. Site closed by RWQCB in an NFA letter dated 04/11/97.
UST 114B	114	560 Gallon Diesel Tank	Site Assessment Report, Former UST Site 114B 06/15/1998 By OHM Remediation Services, Inc. (OHM)	RWQCB 04/12/1999	Removal completed on 10/11/91. Site closed by RWQCB in an NFA letter dated 04/12/99.

Table 4: Locations of Concern

LOC ID	Building Number/ Location	Description	Closure Report Title/Date	NFA Letter Agency/Date	Notes
UST 114C	114	600 Gallon Fuel Oil Tank	Closure Report UST 114C 04/08/2004 by Geofon, Inc. (Geofon)	Orange County Health Care Agency (OCHCA) 05/25/2004	UST 114C was closed in place with OCHCA oversight on March 10, 2004. Tank contents were removed, tank closed in place, and soil samples were collected on March 10, 2004. Site closed by OCHCA in a letter dated 05/25/2004.
UST 126	126	500 Gallon Diesel Tank	Site Assessment Report, UST 126 November 1995 by BNI	RWQCB 03/12/1996	UST 126 was removed on November 27, 1991 under the OCHCA oversight. Additional site assessment activities were completed in 1995. A site assessment report was submitted to RWQCB in November 1995. Site closed by RWQCB in an NFA letter dated 03/12/96.
UST 204	204	50,000 Gallon Diesel Tank	UST Removal Report, UST 204 10/29/1999 by Geofon and Addendum Site Assessment Report, UST 204 09/09/2003 by Shaw	RWQCB 11/6/2003	SWMU/AOC 60. Tank was formerly within Tank Farm No. 6. Tank has been removed. All required response actions have been completed. RWQCB concurred with NFA in a letter dated 11/6/2003.
UST 205	205	25,000 Gallon Recovered JP5 Tank	Tank Closure Report, USTs 205 and 207 03/18/1998 by OHM	OCHCA 04/24/1998	SWMU/AOC 61. Tank was formerly within Tank Farm No. 6. Removal completed on 12/29/97. Site closed by OCHCA in an NFA letter dated 04/24/98.
UST 206	206	50,000 Gallon Unleaded Fuel Tank	Summary Report UST 206 July 2008 by Enviro Compliance Solutions, Inc.	RWQCB 09/10/2008	SWMU/AOC 62. Tank was formerly within Tank Farm No. 6. UST 206 was removed on 08/31/1999. From 2000 to 2008 additional site assessment and excavation activities were completed. A Summary report was submitted to the RWQCB in July 2008 and RWQCB concurred with NFA in a letter dated 09/10/2008.

Table 4: Locations of Concern

LOC ID	Building Number/ Location	Description	Closure Report Title/Date	NFA Letter Agency/Date	Notes
UST 207	207	50,000 Gallon Unleaded Fuel Tank	Tank Closure Report, USTs 205 and 207 03/18/1998 by OHM	OCHCA 04/24/1998	SWMU/AOC 63. Tank was formerly within Tank Farm No. 6. Removal completed on 01/8/98. Site closed by OCHCA in an NFA letter dated 04/24/98.
UST 208	208	50,000 Gallon Aviation Gas Tank	Tank Removal Field Activities, Tank 208, 209, 211, 213, 215, and T-6 12/16/1996 to 12/17/1996 by American Processing	OCHCA 03/27/1997	Tank was formerly within Tank Farm No. 5. Removal completed on 12/16/96. Site closed by OCHCA in an NFA letter dated 03/27/97.
UST 209	209	25,000 Gallon Aviation Gas Tank	Tank Removal Field Activities, Tank 208, 209, 211, 213, 215, and T-6 12/16/1996 to 12/17/1996 by American Processing	OCHCA 03/27/1997	Tank was formerly within Tank Farm No. 5. Removal completed on 12/16/96. Site closed by OCHCA in an NFA letter dated 03/27/97.
UST 210	210	25,000 Gallon Aviation Gas, JP5 Tank	Tank Removal Closure Report for USTs at Tank Farm No. 5 08/01/1996 by Toxguard	OCHCA 09/20/1996	Tank was formerly within Tank Farm No. 5. Removal completed on 06/14/96. Site closed by OCHCA in an NFA letter dated 09/20/96.

Table 4: Locations of Concern

LOC ID	Building Number/ Location	Description	Closure Report Title/Date	NFA Letter Agency/Date	Notes
UST 211	211	50,000 Gallon Aviation Gas Tank	Tank Removal Field Activities, Tank 208, 209, 211, 213, 215, and T-6 12/16/1996 to 12/17/1996 by American Processing	OCHCA 03/27/1997	Tank was formerly within Tank Farm No. 5. Removal completed on 12/16/96. Site closed by OCHCA in an NFA letter dated 03/27/97.
UST 212	212	50,000 Gallon Aviation Gas, JP5 Tank	Tank Removal Closure Report for USTs at Tank Farm No. 5 08/01/1996 by Toxguard	OCHCA 09/20/1996	Tank was formerly within Tank Farm No. 5. Removal completed on 6/14/96. Site closed by OCHCA in an NFA letter dated 09/20/96.
UST 213	213	25,000 Gallon Aviation Gas Tank	Tank Removal Field Activities, Tank 208, 209, 211, 213, 215, and T-6 12/16/1996 to 12/17/1996 by American Processing	OCHCA 03/27/1997	Tank was formerly within Tank Farm No. 5. Removal completed on 12/16/96. Site closed by OCHCA in an NFA letter dated 03/27/97.
UST 214	214	25,000 Gallon Aviation Gas, JP5 Tank	Tank Removal Closure Report for USTs at Tank Farm No. 5 08/01/1996 by Toxguard	OCHCA 09/20/1996	Tank was formerly within Tank Farm No. 5. Removal completed on 06/14/96. Site closed by OCHCA in an NFA letter dated 09/20/96.

Table 4: Locations of Concern

LOC ID	Building Number/ Location	Description	Closure Report Title/Date	NFA Letter Agency/Date	Notes
UST 215	215	50,000 Gallon Aviation Gas Tank	Tank Removal Field Activities, Tank 208, 209, 211, 213, 215, and T-6 12/16/1996 to 12/17/1996 by American Processing	OCHCA 03/27/1997	Tank was formerly within Tank Farm No. 5. Removal completed on 12/16/96. Site closed by OCHCA in an NFA letter dated 03/27/97.
UST 372A	372	2,000 Gallon Diesel Tank	UST removal report, UST 372A 6/12/2000 by Geofon	OCHCA 07/26/2000	Removal completed on 02/28/00. No evidence of a release was identified. Site closed by OCHCA in an NFA letter dated 07/26/00.
UST 372B	372	2,500 Gallon Diesel Tank	Site assessment report, UST 372 8/1995 by BNI	RWQCB 12/11/1995	Removal completed on 02/28/94. Site closed by RWQCB in an NFA letter dated 12/11/95.
UST 398	398	108,000 Gallon JP5 Tank	Information Package Former Tank 398 Site 01/27/2011 by DON Base Realignment and Closure (BRAC) Program Management Office (PMO) West	RWQCB 03/11/2011	UST 398 was removed in 1993. A Remedial Action Plan for MNA of groundwater and free product removal was approved by RWQCB in December 2006. A five year MNA demonstration with free product removal is on going since 2007. A Summary Information Package with NFA for vadose zone soil at former UST 398 Site was submitted on January 27, 2011 to the RWQCB. The RWQCB in a letter dated March 11, 2011 closed the vadose zone soil at former UST 398 Site. The area requiring petroleum restrictions (ARPR) for former UST 398 Site addressed in this Finding of Suitability to Transfer (FOST) affects the CO II-Q.
UST 658A	658	10,000 Gallon JP5 Tank	Tank closure report, USTs 658A and 658B 03/27/1998 by OHM	OCHCA 04/24/1998	Removal completed on 01/26/98. Site closed by OCHCA in an NFA letter dated 04/24/98.

Table 4: Locations of Concern

LOC ID	Building Number/ Location	Description	Closure Report Title/Date	NFA Letter Agency/Date	Notes
UST 658B	658	10,000 Gallon JP5 Tank	Tank closure report, USTs 658A and 658B 03/27/1998 by OHM	OCHCA 04/24/1998	Removal completed on 1/26/98. Site closed by OCHCA in an NFA letter dated 04/24/98.
UST 716A	716	3,000 Gallon Waste Oil Tank	Tank closure report, UST 716A and OWS 716B 05/13/1998 by OHM	OCHCA 07/28/1998 RWQCB 04/14/1999	SWMU/AOC 192. Tank closed in place. Site closed by OCHCA in a letter dated 07/28/98 and by RWQCB in an NFA letter dated 04/14/99.
UST 763B	763	500 Gallon Waste Oil Tank	UST & OWS removal report, UST 763B & OWS 763A 6/12/2000 by Geofon	OCHCA 07/26/2000	SWMU/AOC 212. Removal completed on 02/28/00. Site closed by OCHCA in an NFA letter dated 07/26/00.
UST 902A	902	50,000 Gallon JP5 Tank	UST removal report, UST 902A 7/11/2000 by Geofon	OCHCA 08/04/2000	Tank has been removed. Site closed by OCHCA in an NFA letter dated 08/04/00.
UST 902B	902	50,000 Gallon JP5 Tank	UST removal report, UST 902C 7/11/2000 by Geofon	OCHCA 08/04/2000	Tank has been removed. Site closed by OCHCA in an NFA letter dated 08/04/00.
UST 902C	902	2,500 Gallon JP5 Tank	UST removal report, UST 902C 7/11/2000 by Geofon	OCHCA 08/04/2000	Tank has been removed. Site closed by OCHCA in an NFA letter dated 08/04/00.

Table 4: Locations of Concern

LOC ID	Building Number/ Location	Description	Closure Report Title/Date	NFA Letter Agency/Date	Notes
UST T-6	T-6	2,000 Gallon Waste JP5 Tank	Tank Removal Field Activities, Tank 208, 209, 211, 213, 215, and T-6 12/16/1996 & 12/17/1996 by American Processing	OCHCA 03/27/1997	SWMU/AOC 21. Associated with Tank Farm No. 5. Removal completed on 12/16/96. Site closed by OCHCA in an NFA letter dated 03/27/97.
UST T-7	T-7	2,000 Gallon Waste JP5 Tank	UST Removal Report, UST T-7 06/12/2000 by Geofon	OCHCA 07/26/2000	SWMU/AOC 24. Associated with Tank Farm No. 6. Removal completed on 02/28/00. No evidence of a release was identified. Site closed by OCHCA in an NFA letter dated 07/26/00.
UST T-8	T-8	2,000 Gallon Waste JP5 Tank	UST Removal Report, UST T-8 06/12/2000 by Geofon	OCHCA 07/26/2000	SWMU/AOC 22. Associated with Tank Farm No.5. Removal completed on 02/28/00. Site closed by OCHCA in an NFA letter dated 07/26/00.
UST T-9	T-9	2,000 Gallon JP5 Tank	Tank Removal and Site Closure Report, UST T-9 06/16/1997 by OHM	OCHCA 07/11/1997	SWMU/AOC 228. Associated with Tank Farm No.6. Removal completed on 03/27/97. Site closed by OCHCA in an NFA letter dated 07/11/97.
OWS 658C	658	400 Gallon OWS	Site Assessment Report, OWS 658C and 658D 12/31/1998 by NAVFAC EFD SW	RWQCB 01/08/2003	OWS installed in 1972; OWS closed in place. OWS was an underground unit and was not associated with a UST. Site closed by RWQCB in an NFA letter dated 01/08/2003.

Table 4: Locations of Concern

LOC ID	Building Number/ Location	Description	Closure Report Title/Date	NFA Letter Agency/Date	Notes
OWS 658D	658	1,750 Gallon OWS	Site Assessment Report, OWS 658C and 658D 12/31/1998 by NAVFAC EFD SW	RWQCB 01/08/2003	OWS installed in 1995. OWS closed in place. OWS was an aboveground unit and was not associated with a UST. Site closed by RWQCB in an NFA letter dated 01/08/2003.
OWS 658E	658	10 Gallon OWS	Memorandum, OWS 658E 01/23/2003 by NAVFAC EFD SW	RWQCB 03/07/2003	OWS was removed and backfilled in November 2002. Soil samples were taken during this removal action. Site closed by RWQCB in an NFA letter dated 03/07/2003.
OWS 716B	716	100 Gallon OWS	Tank Closure Report, UST 716A and OWS 716B 05/13/1998 by OHM	OCHCA 07/28/1998 RWQCB 04/14/1999	Site also identified as SWMU/AOC 193. OWS was installed in 1976. OWS has been removed. OWS was associated with UST 716A. Site was investigated and recommended for NFA by the RFA based on the results of soil sampling. Site closed by OCHCA in a letter dated 07/28/98 and by RWQCB in an NFA letter dated 04/14/99.
OWS 763A	763	100 Gallon OWS	UST & OWS Removal Report, UST 763B & OWS 763A 06/12/2000 by Geofon	OCHCA 07/26/2000	Site also identified as SWMU/AOC 211. OWS installed in 1982. OWS has been removed. OWS was associated with UST 763B. Site was investigated and NFA was recommended in the RFA based on soil sample results. No significant soil contamination was identified at this site. Site closed by OCHCA in an NFA letter dated 07/26/00.

Table 4: Locations of Concern

LOC ID	Building Number/ Location	Description	Closure Report Title/Date	NFA Letter Agency/Date	Notes
MSC JP5	CO-II-Q	Fuel Pipelines and Associated Truck Fueling Areas	Closure Report MSC JP5 Units 1 and 3 06/26/2001 by OHM Information Package MSC JP5 Pipelines 04/29/2011 by DON BRAC PMO West	RWQCB 06/17/2011	<p>The JP5 pipelines and all associated TFA features within CO II-Q are inactive. Pipelines have been abandoned in place. Pipeline segments and associated features were separately investigated and closed by the RWQCB. NFA concurrence was obtained for all the segments of MSC JP5 pipelines and associated TFA features from the RWQCB.</p> <p>The groundwater plume underlying the MSC JP5 pipelines segments and associated TFA encompasses the area beneath former Tank Farm No. 5, former Tank Farm No. 6, the former TFA, and IRP Site 4. The RWQCB has closed the vadose zone soil for the MSC JP5 pipeline segments and TFA features overlying the plume. An evaluation of natural attenuation of groundwater was completed in 2007, and the RWQCB concurred with monitored natural attenuation as the groundwater remedy on 31 August 2007.</p> <p>The ARPR for MSC JP5 pipeline and associated TFA plume addressed in this FOST affects the CO II-Q.</p>
PRL 127	127	Tire Storage Plant	Summary Report for PRL 127 05/15/2009 By DON, BRAC PMO WEST	RWQCB 07/23/2009	Building 127 was a former propeller shop with floor drains and trench drains in the facility. A wash rack, RFA 41 was associated with the operations. During the 2005 EBS update VSI visit, petroleum impacted soils were identified in a small area southwest of Building 127. In 2009, exploratory excavation and soil sampling was completed. A Summary Report was submitted to RWQCB on 05/15/2009 and Potential Release Location (PRL) 127 was closed by RWQCB in a letter dated 07/23/2009.
PCB T14	114	Transformer Pad	Final EBS 09/12/2003 by Earth Tech	DTSC 09/25/2003 U.S. EPA 09/25/2003	Replaced with a non-polychlorinated biphenyl (PCB) transformer. A 1994 field survey indicates no evidence of release. No PCB releases identified through the records search or VSIs conducted for the 2003 EBS.
PCB T20	125	Transformer Pad	Final EBS 09/12/2003 by Earth Tech	DTSC 09/25/2003 U.S. EPA 09/25/2003	Replaced with a non-PCB transformer. A 1994 field survey indicates no evidence of release. No PCB releases identified through the records search or VSIs conducted for the 2003 EBS.

Table 4: Locations of Concern

LOC ID	Building Number/ Location	Description	Closure Report Title/Date	NFA Letter Agency/Date	Notes
PCB T21	125	Transformer Pad	Final EBS 09/12/2003 by Earth Tech	DTSC 09/25/2003 U.S. EPA 09/25/2003	Replaced with a non-PCB transformer. A 1994 field survey indicates no evidence of release. No PCB releases identified through the records search or VSIs conducted for the 2003 EBS.
PCB T58	372	Transformer Pad	Final EBS 09/12/2003 by Earth Tech	DTSC 09/25/2003 U.S. EPA 09/25/2003	Replaced with a non-PCB transformer. A 1994 field survey indicates no evidence of release. No PCB releases identified through the records search or VSIs conducted for the 2003 EBS.
PCB T60	378	Transformer Pad	Final EBS 09/12/2003 by Earth Tech	DTSC 09/25/2003 U.S. EPA 09/25/2003	Replaced with a non-PCB transformer. A 1994 field survey indicates no evidence of release. No PCB releases identified through the records search or VSIs conducted for the 2003 EBS.
PCB T89	658	Transformer Pad	Final EBS 09/12/2003 by Earth Tech	DTSC 09/25/2003 U.S. EPA 09/25/2003	Replaced with a non-PCB transformer. A 1994 field survey indicates no evidence of release. No PCB releases identified through the records search or VSIs conducted for the 2003 EBS.
PCB T94	716	Transformer Pad	Final EBS 09/12/2003 by Earth Tech	DTSC 09/25/2003 U.S. EPA 09/25/2003	Replaced with a non-PCB transformer. No evidence of release observed during 1994 field survey. No PCB releases identified through the records search or VSIs conducted for the 2003 EBS.
PCB T109	Tank Farm No. 6	Transformer Pole	Final EBS 09/12/2003 by Earth Tech	DTSC 09/25/2003 U.S. EPA 09/25/2003	Building demolished; no evidence of release observed during 1994 field survey. No PCB releases identified through the records search or VSIs conducted for the 2003 EBS.
Carve-Out II-V-1					
There are no CERCLA or Petroleum LOCs within CO II-V-1					

Acronyms and Abbreviations

AOC = area of concern
 APHO = aerial photograph feature/anomaly
 ARPR = area requiring petroleum restrictions
 AST = aboveground storage tank
 BNI = Bechtel National, Inc.

IT Corp. = IT Corporation
 JEG = Jacobs Engineering Group
 JP5 = jet propulsion fuel, grade 5
 < = less than
 LOC = location of concern
 MCAS = Marine Corps Air Station

RCRA = Resource Conservation and Recovery Act
 RI = remedial investigation
 RFA = RCRA facility assessment
 ROD = Record of Decision
 RWQCB = Regional Water Quality Control Board
 = Santa Ana Region

BRAC	=	Base Realignment and Closure	MNA	=	monitored natural attenuation	PRL	=	potential release location
CERCLA	=	Comprehensive Environmental Response, Compensation, and Liability Act	MSC	=	miscellaneous	SVOC	=	semi-volatile organic compounds
CO	=	Carve-Out	N/A	=	not applicable	SW	=	southwest
DON	=	Department of the Navy	NAVFAC	=	Naval Facilities Engineering Command	SWMU	=	solid waste management unit
DTSC	=	California Department of Toxic Substances Control	NFA	=	no further action	TAA	=	temporary accumulation area
EBS	=	environmental baseline survey	OCHCA	=	Orange County Health Care Agency	TFA	=	truck fueling area
EFD	=	Engineering Field Division	OHM	=	OHM Remediation Services, Inc.	UST	=	underground storage tank
FOST	=	finding of suitability to transfer	OU	=	operable unit	U.S. EPA	=	United States Environmental Protection Agency
Geofon	=	Geofon, Inc.	OWS	=	oil/water separator	VSI	=	visual site inspection
ID	=	identification	PCB	=	polychlorinated biphenyl	VOC	=	volatile organic compound
IRP	=	installation restoration program	PMO	=	Project Management Office			
			PRG	=	preliminary remediation goal			

Table 5: Summary of Asbestos Surveys

Building Number	Description	Square Feet	Year Built	Historical Asbestos Survey Information	Comments
Carve-Out II-Q					
114	Maintenance Hangar	32,921	1966	IT Corporation (IT Corp.) [1989]: Floor tile, transite, pipe insulation. CABACO/Tait Environmental Management, Inc. (CABACO/Tait); (6/15/99): Stucco, pipe elbows, floor tile & mastic, window putty, boiler flue, exterior mastic, wall panels, drywall joint compound	Non-friable, accessible, and damaged (FAD) asbestos-containing material (ACM) found.
124	Maintenance Hangar	6,240	1943	CABACO/Tait (10/15/99): Stucco	Non-FAD ACM found; no interior ACM observed.
125	Maintenance Hangar	4,224	1943	IT Corp. (1989): Floor tile. CABACO/Tait (7/22/99): Stucco, cement ceiling (assumed)	Non-FAD ACM found.
126	Maintenance Hangar	4,224	1943	IT Corp. (1989): No ACM Found	No ACM found.
127	Tire Storage Plant	4,026	1943	IT Corp. (1989): No ACM Found	No ACM found.
230	Paint Locker	78	1943	IT Corp. (1989): No ACM Found	No ACM found.
231	Paint Locker	78	1943	IT Corp. (1989): No ACM Found	No ACM found.
363	Petroleum, Oil, and Lubricants (POL) Pipeline Shelter	200	1952	Ecology & Environment, Inc. (e&e) [1991]: No ACM Found	No ACM found.
372	Airfield Operations /Control Tower	26,375	1954	IT Corp. (1989): Transite, vibration dampener, pipe insulation, floor tile. CABACO/Tait (6/15/99): Ceiling panels, drywall joint compound, floor tile & mastic, pipe insulation, duct connectors (assumed), cement panels (assumed).	Non-FAD ACM found.
642	Electric Power Plant	144	1969	e&e (1991): No ACM Found	No ACM found.
658	Jet Engine Testing Facility	2,894	1972	e&e (1991): Floor tile, noise and fireproofing panels	Non-FAD ACM found.
677	Meteorological Building	8	<1973	e&e (1991): No ACM Found	No ACM found.
698	Line Maintenance Shelter	900	1975	e&e (1991): Floor tile, roofing	Non-FAD ACM found.
716	Engine Test Cell / Hush House	8,880	1978	e&e (1991): Floor tile, fireproofing panels. CABACO/Tait (10/15/99): Floor tile mastic	Non-FAD ACM found.

Table 5: Summary of Asbestos Surveys

Building Number	Description	Square Feet	Year Built	Historical Asbestos Survey Information	Comments
747	Contract Refueler Facility	1,200	1983	IT Corp. (1989): No ACM Found	No ACM found.
752	Fuel Farm No. 5 Office	348	1983	e&e (1991): Roofing	Non-FAD ACM found; no interior ACM observed.
1804	Vacant Maintenance Hangar	480	1966	e&e (1991): Floor tile	Non-FAD ACM found.
MSC JP5	Portions of the Miscellaneous (MSC) Jet Propulsion Fuel, Grade 5 (JP5) pipeline	Unknown	Many segments <1960. Some segments Unknown.	Department of the Navy (DON) [2009]: pipeline outer tar coating	A sample of the black tarry coating on a segment of the JP5 pipeline near the JP5 Building 363 Dry Well was analyzed for asbestos in order to characterize the coated pipeline for disposal. The sampling activity is not considered similar to an asbestos survey for buildings or structures. The sampling activity is included in Table 5 in order to disclose the presence of asbestos in the coating. Non-FAD ACM found.

Source: Earth Tech 2003 and Review of Records by Enviro Compliance Solutions, Inc., in 2011.

Notes: The information presented in this table was obtained from the listed source.

Acronyms and Abbreviations

ACM	= asbestos-containing material
CABACO/Tait	= CABACO/Tait Environmental Management, Inc.
DON	= Department of the Navy
e&e	= Ecology & Environment, Inc.
FAD	= friable, accessible, and damaged
IT Corp.	= IT Corporation
JP5	= jet propulsion fuel, grade 5
MCAS	= Marine Corps Air Station
MSC	= Miscellaneous
POL	= petroleum, oil, and lubricants
<	= before specified year

Table 6: Monitoring Wells

Carve Out	Well ID	Purpose
Carve-Out II-Q (Figure 6)		
II-Q	03LYS1	Leachate Monitoring
II-Q	04UGMW63	Groundwater Monitoring
II-Q	04 DGMW66A	Groundwater Monitoring
II-Q	ASMW398-01	Groundwater Monitoring
II-Q	ASMW398-02	Groundwater Monitoring
II-Q	MW398-01R	Groundwater Monitoring
II-Q	MW398-4	Groundwater Monitoring
II-Q	MW398-6	Groundwater Monitoring
II-Q	MW398-12	Groundwater Monitoring
II-Q	MW398-13	Groundwater Monitoring
II-Q	MW398-17	Groundwater Monitoring
II-Q	MW398-19D	Groundwater Monitoring
II-Q	MW398-21R	Groundwater Monitoring
II-Q	MW398-26	Groundwater Monitoring
II-Q	MW398-28	Groundwater Monitoring
II-Q	MW398-29	Groundwater Monitoring
II-Q	MW398-30	Groundwater Monitoring
II-Q	MW398-31	Groundwater Monitoring
II-Q	RW398-01	Groundwater Monitoring
II-Q	RW398-02	Groundwater Monitoring
II-Q	TF6MW-01	Groundwater Monitoring
II-Q	TF6MW-02	Groundwater Monitoring
II-Q	TFAMW-01	Groundwater Monitoring
II-Q	TFAMW-02	Groundwater Monitoring
II-Q	TFAMW-03	Groundwater Monitoring

Source:

Earth Tech 2003

Enviro Compliance Solutions, Inc. Field Visit and Records Review in April 2011.

Accronyms and Abbreviations:

ASMW = Air Sparge Monitoring Well

DGMW = Downgradient Monitoring Well

ID = Identification

LYS = Lysimeter

MCAS = Marine Corps Air Station

MW = Monitoring Well

RW = Recovery Well

UGMW = Upgradient Monitoring Well

TF = Tank Farm

TFA = Truck Fueling Area

FIGURES

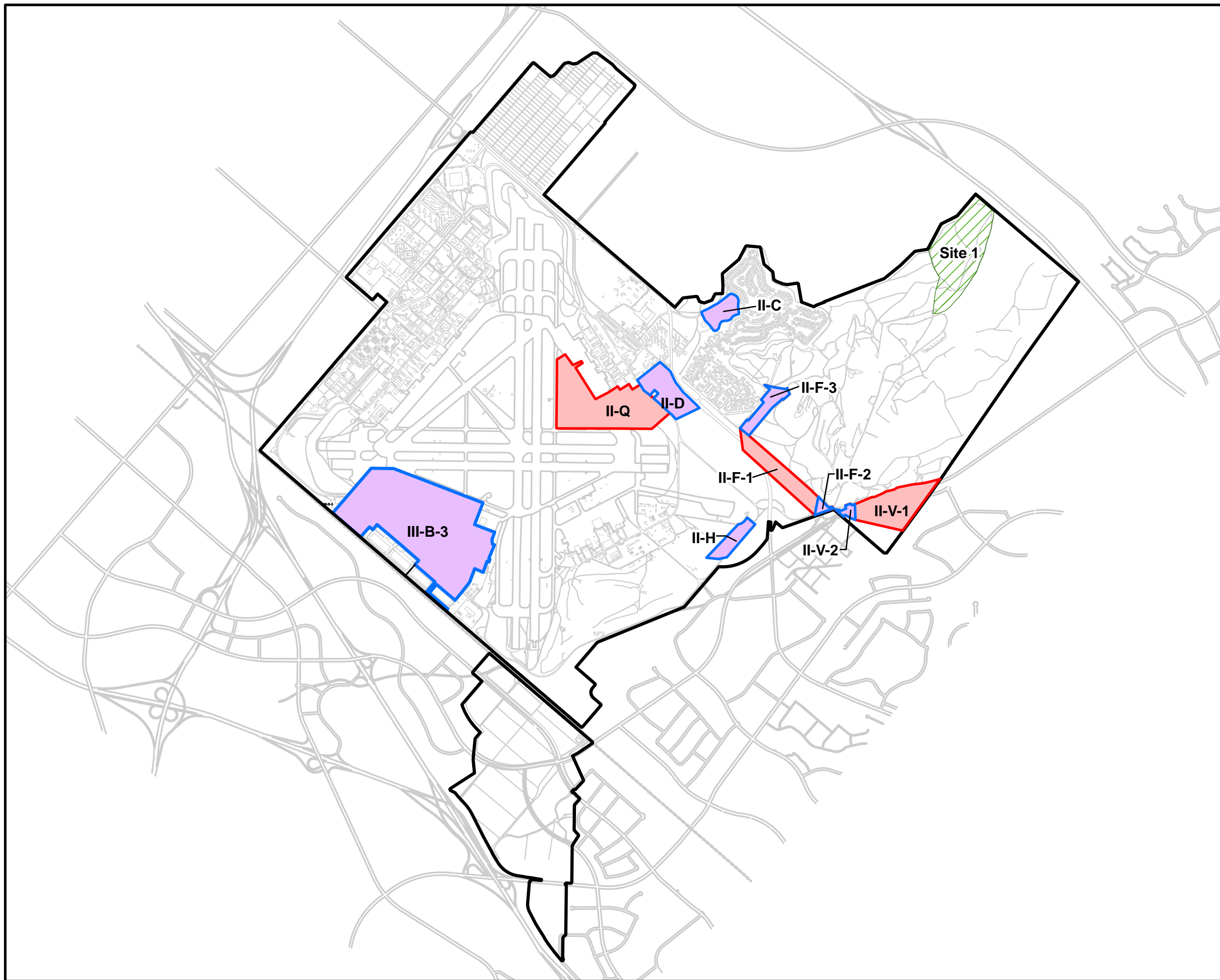


Figure 1
Vicinity Map
Finding of Suitability
to Transfer (FOST #7)
Former MCAS El Toro, California

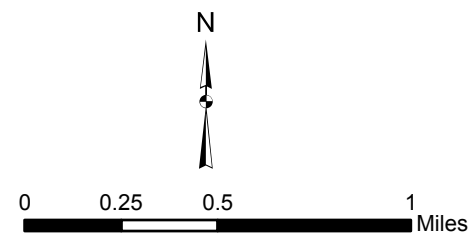


0 5 10 20 Miles

Source:
 Final Environmental Baseline Survey,
 Former Marine Corps Air Station
 El Toro, California. Earth Tech 2003



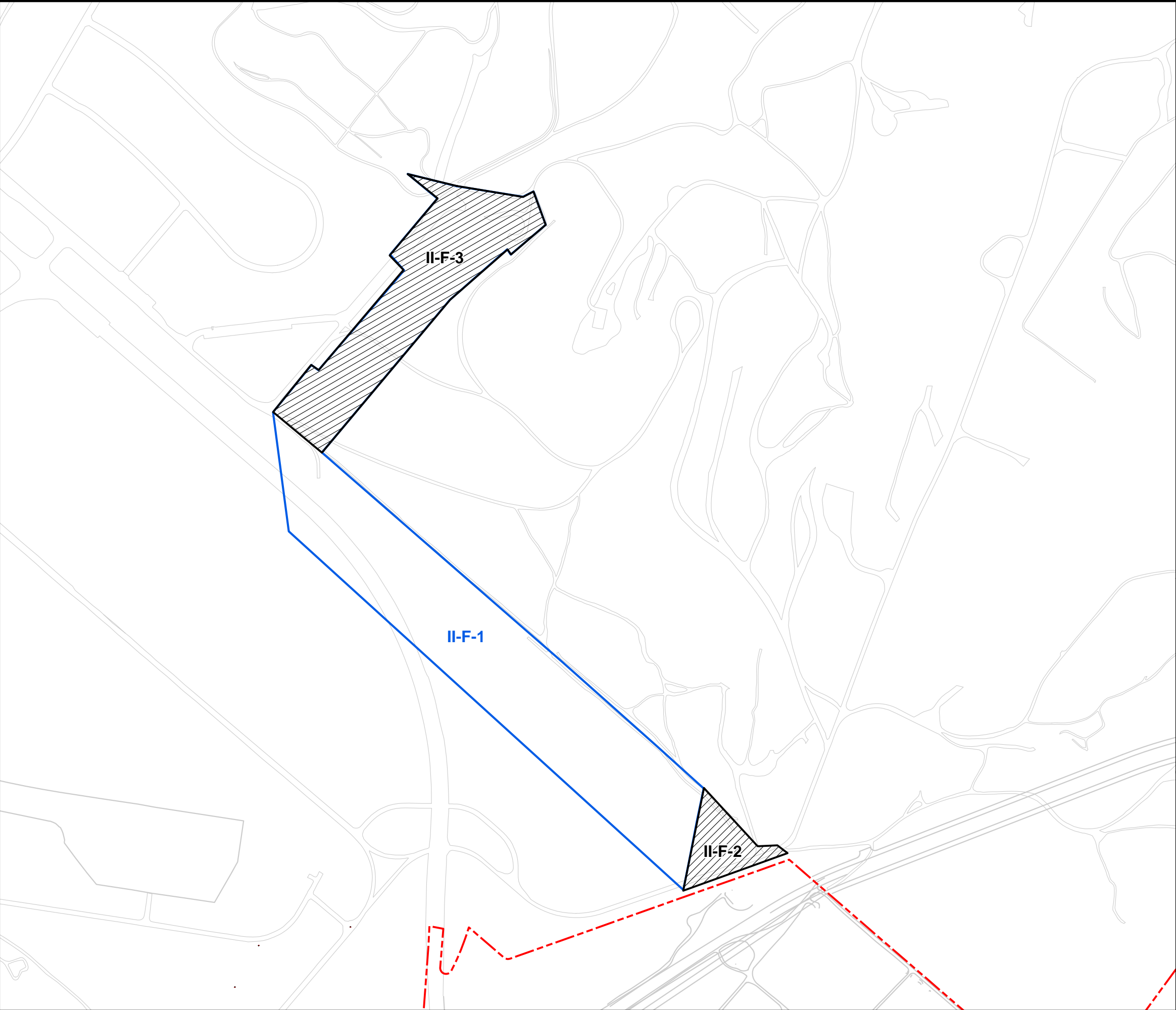
- Legend**
- Carve-Out Area (FOST #7)
 - Leased Area (Carve-Outs)
 - Property Boundary
 - Non-leased Navy Property
 - Transferred Areas
 - Roads







Source:
Final Environmental Baseline Survey,
Former Marine Corps Air Station
El Toro, California. Earth Tech 2003

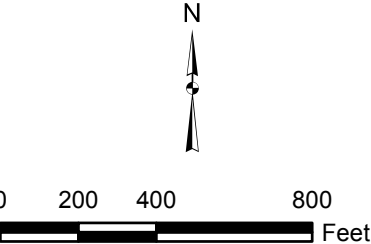
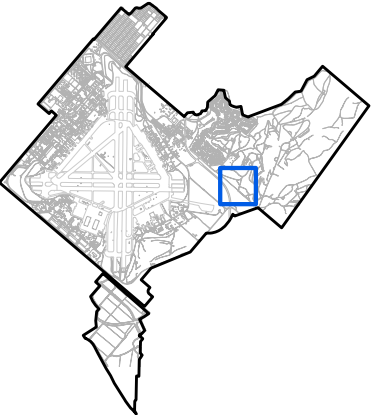
Final
July 2012

Figure 2
Carve-Out Areas Location Map
Finding of Suitability to Transfer (FOST #7)
Former MCAS El Toro, California



Legend

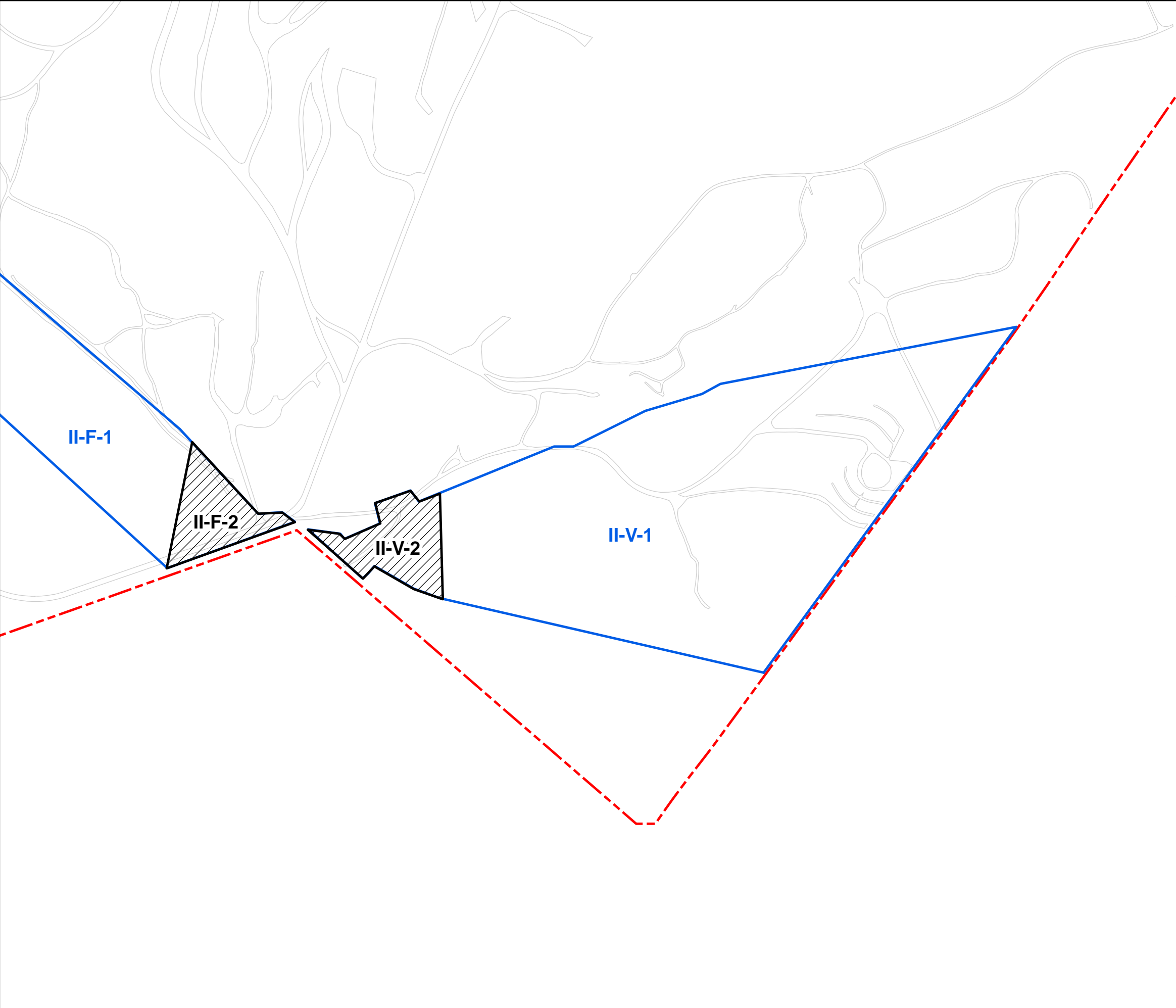
-  Roads
-  Carve-Out Area (FOST #7)
-  Navy Retained Property
-  Property Boundary



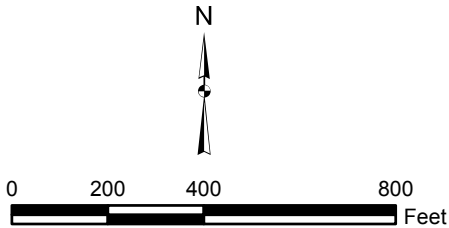
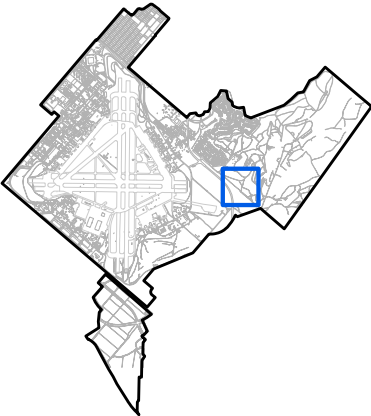
Source:
Final Environmental Baseline Survey,
Former Marine Corps Air Station
El Toro, California. Earth Tech 2003

**Final
July 2012**

**Figure 3
Carve-Out II-F-1
Finding of Suitability to Transfer (FOST #7)
Former MCAS El Toro, California**



- Legend**
- II-V-1 Carve-Out II-V-1 (FOST #7)
 - II-V-2 Navy Retained Property
 - Property Boundary
 - Roads



Source:
Final Environmental Baseline Survey,
Former Marine Corps Air Station
El Toro, California. Earth Tech 2003

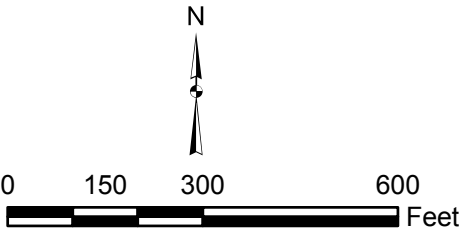
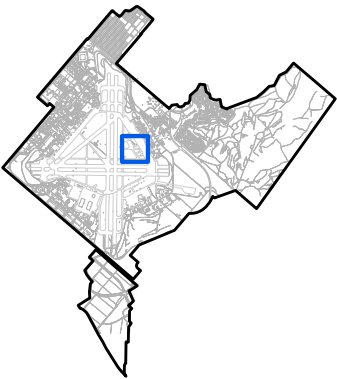
**Final
July 2012**

**Figure 5
Carve-Out II-V-1
Finding of Suitability to Transfer (FOST #7)
Former MCAS El Toro, California**



Legend

- II-Q** Carve-Out Area (FOST #7)
- S907** Structure
- 658** Building
- Roads
- Area Requiring Petroleum Restrictions (ARPR)
- Monitoring Well (MW)
- JP5 Jet Propulsion Fuel, Grade 5
- MSC Miscellaneous
- TFA Truck Fueling Area
- UST Underground Storage Tank



Source:
Final Environmental Baseline Survey,
Former Marine Corps Air Station
El Toro, California. Earth Tech 2003

**Final
July 2012**

**Figure 6
Carve-Out II-Q
Existing Buildings/Structures and Wells
Finding of Suitability to Transfer (FOST #7)
Former MCAS El Toro, California**

ATTACHMENT 1
COMMENTS/RESPONSE TO COMMENTS

Document Title:

Pre-Final Finding of Suitability to Transfer (FOST) #7 for Carve-Outs II-F-1, II-Q, and II-V-1, Former MCAS El Toro, California (May 17, 2012)

Reviewer: Quang Than, Department of Toxic Substances Control (DTSC), Comments in E-mail Dated: June 12, 2012.

Comment No.	Section/ Page No.	Comment	Response
1a.	Table 5	<p>MSC JP5 Pipeline</p> <p>Table 5 – Summary of Asbestos Surveys: A new entry for MSC JP5 was added at the bottom of the Table. The entry is rather confusing. The description in Column 2 indicates it is for portions of the MSC JP5 pipeline. This pipeline runs throughout Carve-Out (CO) II-Q. However, the 2009 reference listed in Column 5 is specifically for a “Summary Report, JP5 Building 363 Dry Well, ...”</p> <p>Please explain the relationship between the JP5 Building 363 Dry Well and the MSC JP5 pipeline.</p>	<p>A segment of the JP5 pipeline discharged fuel from fuel filter units and truck fueling stations into a dry well, known as the JP5 Building 363 Dry Well. During the excavation of petroleum-impacted soils from the JP5 Building 363 Dry Well, a segment of the JP5 pipeline was exposed and removed. The pipeline was coated with a black tarry or bituminous coating. A sample of the coating was analyzed for asbestos in order to characterize the coating for disposal of the pipeline segment. The test results were presented in the “Summary Report, JP5 Building 363 Dry Well...”.</p> <p>The Comments column of Table 5 will be revised to add a comment stating: “A sample of the black tarry coating on a segment of the JP5 pipeline near the JP5 Building 363 Dry Well was analyzed for asbestos in order to characterize the coated pipeline for disposal. The sampling activity is not considered similar to an asbestos survey for buildings or structures. The sampling activity is included in Table 5 in order to disclose the presence of asbestos in the coating.”</p>
1b.	Table 5	<p>Table 5 also lists Building 363 (Petroleum, Oil, and Lubricants (POL) Pipeline Shelter) as having been surveyed in 1991 and no ACM was found. Please explain the relationship between the Building 363 (POL Pipeline Shelter) entry and the MSC JP5 entry that references the JP5 Building 363 Dry Well.</p>	<p>The JP5 Building 363 Dry Well was a feature or component of the Location of Concern (LOC) known as MSC JP5, identified in Table 4. The JP5 Building 363 Dry Well was located approximately 40 feet north of Building 363, and the dry well was a subsurface rectangular wood-framed feature, approximately 4 feet square and 3.5 feet deep. The dry well was filled with gravel and cobbles to a depth of 3.5 feet below ground surface. JP5 pipelines from the fuel filtering system and the original JP5 Truck Fueling Area Stations 363A through 363D discharged into the dry well.</p>

Document Title:

Pre-Final Finding of Suitability to Transfer (FOST) #7 for Carve-Outs II-F-1, II-Q, and II-V-1, Former MCAS El Toro, California (May 17, 2012)

Reviewer: Quang Than, Department of Toxic Substances Control (DTSC), Comments in E-mail Dated: June 12, 2012.

Comment No.	Section/ Page No.	Comment	Response
1c.	Table 5	Building 363 (POL Pipeline Shelter) is shown on Table 1 but the JP5 Building 363 Dry Well is not. Please explain.	The JP5 Building 363 Dry Well is not included in Table 1 because it is neither a building nor a structure. The JP5 Building 363 Dry Well is a feature or component of the LOC known as MSC JP5, identified in Table 4.

Document Title:

Pre-Final Finding of Suitability to Transfer (FOST) #7 for Carve-Outs II-F-1, II-Q, and II-V-1, Former MCAS El Toro, California (May 17, 2012)

Reviewer: Quang Than, Department of Toxic Substances Control (DTSC), Comments in E-mail Dated: June 12, 2012.

Comment No.	Section/ Page No.	Comment	Response
1d.	Table 5	What is the condition of the outer tar coating on the MSC JP5 pipeline? Was there a release of asbestos containing material (ACM) into the environment? Were soil samples taken from around the MSC JP5 pipeline and tested for asbestos?	<p>The non-friable black tarry coating on the MSC JP5 pipeline was observed to be in good condition in several exploratory trenches and excavations. Soil samples for asbestos analysis were not collected from the soil surrounding the MSC JP5 pipeline.</p> <p>During May 2006, Lennar Communities (Heritage Fields LLC) received Department of the Navy (DON) and regulatory agency approval on Project Environmental Review Form (PERF) No. ET002 Rev 1 to remove approximately 2,250 linear feet of the Norwalk - El Toro JP5 pipeline located northeast of Irvine Boulevard. The pipeline was coated with a non-friable black tarry substance containing chrysotile asbestos. The pipeline was removed by Lennar, and following the removal of the pipeline, thirteen (13) soil samples were collected from the bottom of the pipe trench at 300-foot intervals and analyzed for asbestos content using United States Environmental Protection Agency (EPA) Method 600/R-93/116. No asbestos fibers were detected in the soil samples (<i>Final Supplemental Environmental Baseline Survey Report for On-Station Portion of the Defense Fuel Supply Point Norwalk El Toro Pipeline, Former Marine Corps Air Station El Toro, California</i>, Enviro Compliance Solutions, Inc. (ECS) June 2008). The black coating on the pipeline that was removed according to PERF ET002 Rev 1 appears similar to the coating on segments of the MSC JP5 pipeline within CO II-Q. Based upon the results of sampling associated with PERF ET002, it is unlikely that a release of asbestos to the environment has occurred along the MSC JP5 pipelines within CO II-Q.</p>

Document Title:

Pre-Final Finding of Suitability to Transfer (FOST) #7 for Carve-Outs II-F-1, II-Q, and II-V-1, Former MCAS El Toro, California (May 17, 2012)

Reviewer: Quang Than, Department of Toxic Substances Control (DTSC), Comments in E-mail Dated: June 12, 2012.

Comment No.	Section/ Page No.	Comment	Response
1e.	Table 5	It is noted in Table 4, Locations of Concern, that the JP5 pipelines are inactive and have been abandoned in place. Why were the pipelines not removed?	The JP5 pipelines were abandoned in place with the concurrence of the California Regional Water Quality Control Board (RWQCB), Santa Ana Region. The pipelines were not removed due to the proximity of nearby utility conduits and various structures.
1f.	Table 5	The fact that MSC JP5 is now listed in Table 5 indicates that an asbestos survey was performed. Please explain exactly what was surveyed for asbestos (i.e., MSC JP5 pipeline, Building 363 POL Pipeline Shelter, and/or JP5 Building 363 Dry Well)	Table 5 includes MSC JP5 because the black tarry coating on a segment of the MSC JP5 pipeline near the MSC JP5 Building 363 Dry Well was tested and was found to contain asbestos.
1g.	Table 5	Please add MSC JP5 to Table 1, as it can be classified as a "structure", similar to the storage tank (S659) that is listed in Table 1. Please also make any other necessary changes to the FOST as a result of adding MSC JP5 to Table 1.	The MSC JP5 pipelines are not listed as structures in Table 1 because the MSC JP5 pipelines are part of the LOC known as MSC JP5, identified in Table 4.
2.	Section 2	Property Description: CO II-Q currently refers to Figure 4; however, Figure 6 should be referenced since it is the figure titled "Carve-Out II-Q Existing Buildings/Structures and Wells".	Section 2, Carve-Out (CO) II-Q will be revised to refer to both Figure 4 and Figure 6.
3.	Section 4	Page 4, PRL 127: Paragraph 3 says "Table 3 identifies and provides the status of the PRLs within the COs as indicated on Figure 4." This statement is not correct because PRL 127 has been removed from Table 3 even though PRL 127 is shown on Figure 4. Please correct the statement.	The text on Section 4, Page 4, will be revised as follows: "Table 3 and Table 4 identify and provide the status of the PRLs within the COs as indicated on Figure 4."
4.	Section 4.1.2	IRP Site 4: Since the new paragraph discusses the JP5 TFA plume, please make a reference to Figure 6 and the restrictions in Section 5.1 (similar to the reference made for MSC Sites in Section 4.2.2).	The following sentence will be added at the end of Section 4.1.2: "Figure 6 shows the location of the JP5 TFA Plume, and Section 5.1 summarizes restrictions related to petroleum products and its derivatives."

Document Title:

Pre-Final Finding of Suitability to Transfer (FOST) #7 for Carve-Outs II-F-1, II-Q, and II-V-1, Former MCAS El Toro, California (May 17, 2012)

Reviewer: Quang Than, Department of Toxic Substances Control (DTSC), Comments in E-mail Dated: June 12, 2012.

Comment No.	Section/ Page No.	Comment	Response
5.	Section 4.3	Asbestos-Containing Material: Please update the last paragraph to reflect the addition of the MSC JP5 Pipelines.	The last paragraph of Section 4.3 will be revised to state that "A total of 17 non-residential buildings within CO II-Q have been surveyed and the coating on a segment of the MSC JP5 pipeline within CO II-Q has been sampled for ACM".
6.	Section 4.4	Lead-Based Paint: Please add "and structures" after each "building" encountered in this section except where it has already been done.	The words "and structures" will be added to appropriate sentences within Section 4.4.
7.	Section 4.6	Pesticides: This notification applies to all the property proposed for transfer under this FOST, as does footnote (c) in Attachment 4a. However, Table 2 only shows the pesticide notification for COs II-F-1 and II-Q, and not CO II-V-1. Please provide consistency between Section 4.6, Attachment 4a, and Table 2.	Table 2 will be revised to include the pesticide notification for CO II-V-1.

Document Title:

Pre-Final Finding of Suitability to Transfer (FOST) #7 for Carve-Outs II-F-1, II-Q, and II-V-1, Former MCAS El Toro, California (May 17, 2012)

Reviewer: Quang Than, Department of Toxic Substances Control (DTSC), Comments in E-mail Dated: June 12, 2012.

Comment No.	Section/ Page No.	Comment	Response
8.	Section 5.1.1	<p>Carve-Out II-Q (Figure 6): Beginning with the second sentence, DTSC proposes the following re-write to this section (Since DTSC has not seen the "RWQCB Covenant", please ensure DTSC's proposed language is consistent with the RWQCB Covenant): "Therefore, land use restrictions for these petroleum plume areas will be incorporated into and implemented through two separate legal instruments: (1) a quitclaim deed between the DON and the transferee and (2) a Covenant and Environmental Restriction on Property (CERP) (hereinafter referred to as the RWQCB Covenant) between the DON and the RWQCB.</p> <p>In order to limit the exposure to petroleum and its derivatives and to maintain the integrity of the corrective action until corrective action is complete, the RWQCB Covenant will restrict the following activities within the ARPR as shown on Figure 6 without prior review and approval from the DON and RQWCB:"</p> <p>The four bulleted items would stay the same and the last (single sentence) paragraph in this section should be deleted. Also, please add "CERP" to the list of acronyms.</p>	<p>Section 5.1 will be revised as follows (beginning with the second sentence):</p> <p>"Therefore, land use restrictions for these petroleum plume areas will be incorporated into and implemented through two separate legal instruments: (1) a quitclaim deed between the DON and the transferee and (2) a Covenant and Environmental Restriction on Property (CERP) (hereinafter referred to as the RWQCB Covenant) between the DON and the RWQCB.</p> <p>In order to limit the exposure to petroleum and its derivatives and to maintain the integrity of the corrective action until it is complete, the RWQCB Covenant will restrict the following activities within the area requiring petroleum restrictions (ARPR) as shown on Figure 6 without prior review and approval from the DON and RWQCB:"</p> <p>The last sentence after the four bullets will be deleted. CERP will be added to the list of acronyms and abbreviations.</p>
9a.	Section 5.2	<p>Asbestos-Containing Material:</p> <p>Please update the first paragraph to reflect the MSC JP5 Pipelines.</p>	<p>The text of Section 5.2 will be revised to include the MSC JP5 Pipelines within CO II-Q.</p>

Document Title:

Pre-Final Finding of Suitability to Transfer (FOST) #7 for Carve-Outs II-F-1, II-Q, and II-V-1, Former MCAS El Toro, California (May 17, 2012)

Reviewer: Quang Than, Department of Toxic Substances Control (DTSC), Comments in E-mail Dated: June 12, 2012.

Comment No.	Section/ Page No.	Comment	Response
9b.	Section 5.2	Please include a new restriction for the MSC JP5 Pipelines.	Notification pertaining to asbestos-containing material (ACM) on the MSC JP5 Pipelines has been provided in Table 5. The text of Section 5.2 will be revised to include MSC JP5 Pipelines.
9c.	Section 5.2	The last sentence in this section says the restriction applies to all buildings and structures located within CO II-Q. However, the first paragraph in this section says the restriction only applies to ACM that has been identified with the respective COs. The two sentences are not consistent with each other. Please explain.	The first sentence of Section 5.2 will be revised to be consistent with the last sentence. The first sentence will be changed to: "The transferee will be required to comply with the specific restrictions listed below for ACM that has been identified within CO-II-Q".
10.	Section 6	Adjacent Properties, 3rd Paragraph: In the first sentence, CO II-F-1 should be singular. In the second sentence, "adjoin" should be "adjoins" and CO II-V-1 does not adjoin CO II-F-2. In other words, the second sentence should read "The CO II-V-1 adjoins DON retained CO II-V-2 which is associated with remediation (Figure 2)".	The two sentences will be revised as follows: "CO II-F-1 adjoins DON retained CO II-F-2 and CO II-F-3." And "The CO II-V-1 adjoins DON retained CO II-V-2 which is associated with IRP Site 1 and IRP Site 2 groundwater plumes undergoing remediation (Figure 2)."
11a.	Section 7	Covenants: 2nd Paragraph: The second quotation is not a direct quote from CERCLA. DTSC suggests that the quotation marks are removed and some text removed such that the sentence would read as "The covenant will warrant that all remedial action necessary to protect human health and the environment with respect to any hazardous substance remaining on the property has been taken before the date of transfer and that ... "	The second quotation in the 2 nd paragraph of Section 7 will be revised as follows: "The covenant will warrant that all remedial action necessary to protect human health and the environment with respect to any hazardous substances remaining on the property has been taken before the date of transfer and that ... "

Document Title:

Pre-Final Finding of Suitability to Transfer (FOST) #7 for Carve-Outs II-F-1, II-Q, and II-V-1, Former MCAS El Toro, California (May 17, 2012)

Reviewer: Quang Than, Department of Toxic Substances Control (DTSC), Comments in E-mail Dated: June 12, 2012.

Comment No.	Section/ Page No.	Comment	Response
11b.	Section 7	This section is specifically for the CERCLA warranties. Please remove the last two paragraphs which were recently added.	The last two paragraphs of Section 7 will be removed as requested.
12.	Table 1	Buildings/Structures: Storage tank S659 is listed as (containing) non potable (liquid). Was this liquid water or something else? If it was something else, please explain and ensure its inclusion in the appropriate table(s). Does it have a coating that contains asbestos?	According to historical facility records, Storage Tank S659 was constructed prior to 1973, was used for storage of non-potable water, and was associated with the fire protection system. The tank has a painted exterior surface that is not suspected of containing asbestos.
13.	Table 4/Page 4 of 18	Carve-Out II-Q, APHO 25: It appears that "Agua Chinon Wash" was changed to "Agua ChinonWash". Please confirm and explain the change	Table 4 will be corrected to use Agua Chinon Wash.
14.	Figures	All Figures are dated April 2012. Please update the figures in the Final FOST document.	The figures will be updated to the appropriate month and year when FOST #7 is finalized.
15.	Figure 3	Please ensure that the boundary between II-F-1 and II-F-3 is drawn such as the MSC JP5 is entirely excluded from II-F-1.	The CO II-F-1 boundary shown on Figure 3 was verified to be correct and does exclude the LOC known as MSC JP5.
16a.	Figure 4	Please provide the figure in the 11"x17" format in the Final FOST document.	The Final FOST #7 will include an 11" x 17" copy of Figure 4.
16b.	Figure 4	The blue triangle representing OWS 763A can barely be seen. Please correct.	The blue triangle representing OWS 763A will be modified to improve its visibility, as requested.
17a.	Figure 6	In the legend, please include "(ARPR)".	The acronym ARPR will be added in the legend and throughout the Final FOST #7.
17b.	Figure 6	If applicable, please include "WITH BUFFER ZONE" in each of the plume titles.	The words "WITH BUFFER ZONE" will be included with each of the plume titles.

Document Title:

Pre-Final Finding of Suitability to Transfer (FOST) #7 for Carve-Outs II-F-1, II-Q, and II-V-1, Former MCAS El Toro, California (May 17, 2012)

Reviewer: Quang Than, Department of Toxic Substances Control (DTSC), Comments in E-mail Dated: June 12, 2012.

Comment No.	Section/ Page No.	Comment	Response
18.	Attachment 2	Unresolved Comments: Please also include DTSC's original comment on Schools Notification (August 19, 2011) and the DON's response in the attachment.	The DTSC's original comment dated August 19, 2011 and the DON's response will be included in Attachment 2.
19a.	Attachment 4a	IRP 4 is associated with a petroleum release and the 4th column only lists Ferrocene. Please confirm that there were no other petroleum contaminants detected. Also the last column should have an "R" instead of a "D".	The 4th column will be revised to include "Ferrocene and oily discharges from Building 658". The last column will be corrected to "R".
19b.	Attachment 4a	UST 716A lists "D" in the last column but Attachment 4b lists "S". Please explain the discrepancy.	The reference to UST 716A in the last column of Attachment 4a will be corrected to "S".
19c.	Attachment 4a	Why is MSC JP5 not listed in this attachment? RFA 15 is included in this attachment and the hazardous substance listed is JP5. There are many examples of this type of occurrence. Please check the attachment for accuracy.	MSC JP5 is not listed in Attachment 4a because it stored JP5. MSC JP5 is listed in Attachment 4b. Attachments 4a and 4b will be checked for accuracy.

Document Title:

Pre-Final Finding of Suitability to Transfer (FOST) #7 for Carve-Outs II-F-1, II-Q, and II-V-1, Former MCAS El Toro, California (May 17, 2012)

Reviewer: Quang Than, Department of Toxic Substances Control (DTSC), Supplemental Comments in E-mail Dated: June 21, 2012.

Comment No.	Section/ Page No.	Comment	Response
1a.	Section 7, Covenants	Please change the first sentence of the 2 nd paragraph to read "The deed for transfer of CO II-Q on which ..."	The comment will be incorporated.
1b.	Section 7, Covenants	Please change the last sentence of the 1 st paragraph to read "This covenant shall not apply to ... required on the COs that is ..."	The comment will be incorporated.
1c.	Section 7, Covenants	Please change "COs" in the last sentence of the 2 nd paragraph to "the CO".	The comment will be incorporated and the word "CO" will be used in place of "COs".
2.	Section 5.1.1	Section 5.1.1: Please change "the former UST 398 and the former TFA site", encountered in a couple of places in the bottom half of the first paragraph, to "the former UST 398 and MSC JP5 pipelines with associated TFA sites".	The comment will be incorporated and the names of the sites will be revised in response to the comment.
3.	Section 5.1.1	In DTSC's Comment #9 on the Pre-Final FOST #7 dated 6/12/12, the last acronym of the RWQCB (in DTSC-suggested text for Section 5.1.1) was misspelled as "RQWCB". Please use the correct spelling of the acronym in the final version of the FOST.	The comment will be incorporated and the correct spelling of the acronym RWQCB will be used in the text of Section 5.1.1.

Document Title:

Draft Finding of Suitability to Transfer #7 for Carve-Outs II-F-1, II-Q, and II-V-1, Former MCAS El Toro, California (June 2011)

Reviewer: Quang Than, Department of Toxic Substances Control, Dated: August 19, 2011

Comment No.	Section/ Page No.	Comment	Response
1.	General	Were lead-based paint surveys conducted for any of the buildings or structures associated with this FOST #7? If so, what were the findings?	<p>No lead-based paint (LBP) surveys were conducted for buildings, structures, or facilities associated with Finding of Suitability to Transfer (FOST) #7.</p> <p>Section 4.4 will be revised in response to the comment. The following paragraphs will replace the existing paragraphs in Section 4.4:</p> <p>“Notification of potential lead-based paint (LBP) at buildings is based on the age of construction (i.e., constructed before the Consumer Product Safety Commission’s 1978 ban on LBP for residential use). Carve-out (CO) II-Q contains buildings, structures, or facilities that were constructed prior to 1978 and, therefore, suggests the likelihood that LBP may be present. This in turn creates the possibility that, through the action of normal weathering and maintenance, there may be lead from LBP in the soil surrounding these buildings. Construction dates for each of the buildings in CO II-Q are summarized in Table 1. There are no buildings, structures, or facilities located in CO II-F-1 or CO II-V-1.</p> <p>In order to address the risk of adverse health effects to children from LBP exposure, legislation and national policy regarding LBP has focused on residential areas and child-occupied buildings/structures/facilities where children may be present. Non-residential buildings/structures/facilities (e.g., warehouses and office buildings) are typically occupied by adults, with minimal exposure to children.</p>

Document Title:

Draft Finding of Suitability to Transfer #7 for Carve-Outs II-F-1, II-Q, and II-V-1, Former MCAS El Toro, California (June 2011)

Reviewer: Quang Than, Department of Toxic Substances Control, Dated: August 19, 2011

Comment No.	Section/ Page No.	Comment	Response
			<p>Non-residential buildings/ structures/ facilities constructed prior to 1978 may not be used for residential use or child-occupied buildings/ structures/ facilities unless the transferee performs any necessary evaluation(s) and abatement in accordance with all federal, state, and local laws and other applicable requirements. This restriction applies to all buildings, structures, or facilities located within CO II-Q.</p> <p>There are no residential buildings, structures, or facilities associated with FOST #7, and no LBP surveys were conducted for buildings, structures, or facilities associated with FOST #7. The Department of the Navy (DON) will not conduct LBP evaluations at non-residential buildings, structures, or facilities prior to transfer. See Section 5.3 for restrictions.”</p> <p>The text of Section 5.3 will be revised in response to the comment to provide the following restriction:</p> <p>“Non-residential buildings/ structures/ facilities constructed prior to 1978 may not be used for residential use or child-occupied buildings/ structures/ facilities unless the transferee performs any necessary evaluation(s) and abatement in accordance with all federal, state, and local laws and other applicable requirements. This restriction applies to all buildings, structures, or facilities located within CO II-Q.”</p>

Document Title:

Draft Finding of Suitability to Transfer #7 for Carve-Outs II-F-1, II-Q, and II-V-1, Former MCAS El Toro, California (June 2011)

Reviewer: Quang Than, Department of Toxic Substances Control, Dated: August 19, 2011

Comment No.	Section/ Page No.	Comment	Response
2.	General	<p>The MCAS El Toro Finding of Suitability to Lease (FOSL) (July 2004) contains a pesticide notification (Section 4.1.9). The following paragraph is only the first notification of five notifications from that FOSL:</p> <p>“Agricultural areas are present on the FOSL areas. The land that former MCAS El Toro occupies was used for agricultural purposes prior to its development for military purposes in the early 1940s. There are 32.4 acres of agricultural property within two carve-outs (28.7 acres within Carve-out II-F and 3.7 acres within Carve-out II-Q). The following discussion provides notifications that are required based on previous use of pesticides and herbicides at these areas.”</p> <p>FOST #7 does not include a similar notification. Please include a pesticide notification in Section 4, Table 2, and Attachment 4a.</p>	<p>Former agricultural areas are present within COs II-F-1 and II-Q. Table 2 and Attachment 4a have been updated to include pesticides, and Section 4 has been revised to include a new subsection 4.6 for pesticides with the following text:</p> <p>4.6 Pesticides</p> <p>The Transferee is hereby notified that the property may contain pesticide residue from pesticides that have been applied in the management of the property. The Navy knows of no use of any registered pesticide in a manner inconsistent with its labeling and believes that all applications were made in accordance with Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (7 U.S.C. Section 136, et seq.), its implementing regulations, and according to the labeling provided with such substances. It is the Navy's position that it shall have no obligation under the covenants provided pursuant to Section 120(h)(3)(A)(ii) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. Section 9620(h)(3)(A)(ii), for the remediation of legally applied pesticides.</p>

Document Title:

Draft Finding of Suitability to Transfer #7 for Carve-Outs II-F-1, II-Q, and II-V-1, Former MCAS El Toro, California (June 2011)

Reviewer: Quang Than, Department of Toxic Substances Control, Dated: August 19, 2011

Comment No.	Section/ Page No.	Comment	Response
3.	General	Section 5.13 of the FOSL (July 2004) included restrictions for buildings and structures that required an asbestos containing material (ACM) survey. FOST #7 indicates that there are many buildings/structures in FOST #7 that require an ACM survey because: they have never been surveyed for ACM; non friable, accessible, and damage (FAD) ACM was detected in a survey that was conducted prior to but not since 1997 (i.e., not within the last three (3) years of station operation); or they were surveyed for FAD ACM only and therefore, the presence of non-FAD ACM is unknown. There is also one building classified as containing FAD ACM. FOST #7 does not include similar restrictions for those buildings/structures. Please explain why the restrictions for these buildings/structures are not consistent with those restrictions outlined in Section 5.13 of the FOSL (July 2004).	<p>In response to this comment, FOST #7 Section 5.2, CO II-Q will be revised to remove the existing paragraphs and to include the following restrictions for asbestos-containing material in buildings/ structures/ facilities:</p> <p>“Except for short-term tours and emergency maintenance, access, use, or occupancy is prohibited pending either (1) completion of asbestos-containing material (ACM) surveys and completion of any necessary ACM abatement by the transferee or (2) demolition by the transferee, in accordance with all applicable local, state, and federal laws and other requirements relating to asbestos or ACM. Pending completion of abatement or demolition, the transferee shall manage the ACM in accordance with all such applicable local, state, and federal laws and requirements. This restriction is applicable to all buildings/structures/facilities located within CO II-Q.”</p>

Document Title:

Draft Finding of Suitability to Transfer #7 for Carve-Outs II-F-1, II-Q, and II-V-1, Former MCAS El Toro, California (June 2011)

Reviewer: Quang Than, Department of Toxic Substances Control, Dated: August 19, 2011

Comment No.	Section/ Page No.	Comment	Response
4.	General	<p>Please provide the following "Schools Notification" in Section 4.0 and also include the notification in Table 2:</p> <p>SCHOOL SITE CONSIDERATIONS</p> <p>If, subsequent to transfer, any portions of the property found suitable to transfer by this FOST is considered for the proposed acquisition and/or construction of school properties utilizing state funding, a separate environmental review process in compliance with the California Education Code section 17210 et seq. will need to be conducted by the transferee and approved by DTSC (Brownfields and Environmental Restoration Program). The California Education Code requires that a comprehensive evaluation of natural and manmade hazardous materials be conducted for school properties. This comprehensive evaluation requires additional investigation of hazardous materials outside the scope of CERCLA hazardous substances. This additional evaluation includes: legally applied pesticides and herbicides, imported fill materials, naturally occurring hazardous substances such as heavy metals (e.g., chromium, mercury, nickel), metalloids (e.g., arsenic, selenium), gases (e.g., methane, hydrogen sulfide), radioactive elements (e.g., radon gas) and naturally occurring petroleum deposits. The evaluation also includes ACM and lead based paint at concentrations that fall outside the scope of CERCLA. Any requirements associated with the evaluation of any property for compliance with the California Education Code are the sole responsibility of the transferee.</p>	<p>As was the case for FOST #6, FOST #7 was prepared in accordance with the most current Department of Navy (DON) Base Realignment and Closure (BRAC) Program Management Office (PMO) guidance for processing Findings of Suitability to Transfer or Lease (2008); this guidance does not require "School Site Considerations" to be included. No changes were made to the text in response to this comment.</p> <p>Section 10.0 – References was revised to include the document "Policy for Processing Findings of Suitability to Transfer or Lease" (DON BRAC PMO 2008).</p>

Document Title:

Draft Finding of Suitability to Transfer #7 for Carve-Outs II-F-1, II-Q, and II-V-1, Former MCAS El Toro, California (June 2011)

Reviewer: Quang Than, Department of Toxic Substances Control, Dated: August 19, 2011

Comment No.	Section/ Page No.	Comment	Response
	Specific Comments		
1.	Page 5, Section 4.1.2, Installation Restoration Program (IRP) Site 4.	Based on the information provided in this section it sounds as though the No-Further-Action (NFA) Record of Decision (ROD) was for soil only. Is this the case? If so, what is the status of the other media (e.g., groundwater) at this site?	<p>Groundwater beneath Installation Restoration Program (IRP) Site 4 is impacted by the petroleum release from miscellaneous (MSC) JP5 pipelines associated with the former JP5 Truck Fueling Area (TFA).</p> <p>The text of Section 4.1.2 will be revised to include the following information:</p> <p>“During the remedial investigation of IRP Site 4, groundwater monitoring wells were installed near Building 658 and former Tank Farm 5, and a release of petroleum to groundwater was detected. This release was attributed to jet fuel released from the nearby JP5 pipelines at the former JP5 Truck Fueling Area (TFA); the petroleum-impacted groundwater is known as the JP5 TFA Plume. The Regional Water Quality Control Board, Santa Ana Region (RWQCB) has approved closure of the vadose zone soil for the MSC JP5 pipeline segments and TFA features overlying the plume. An evaluation of natural attenuation of groundwater was completed in 2007, and the RWQCB concurred with monitored natural attenuation (MNA) with long-term monitoring as the groundwater remedy on 31 August 2007. The Navy is conducting groundwater monitoring of the JP5 TFA Plume in accordance with the MNA remedy as required by the <i>Monitored Natural Attenuation Evaluation and Long-Term Monitoring Plan, Former JP-5 Truck Fueling Area, Former Marine Corps Air Station, El Toro, California (Wiedemeier & Associates 2007).</i>”</p>

Document Title:

Draft Finding of Suitability to Transfer #7 for Carve-Outs II-F-1, II-Q, and II-V-1, Former MCAS El Toro, California (June 2011)

Reviewer: Quang Than, Department of Toxic Substances Control, Dated: August 19, 2011

Comment No.	Section/ Page No.	Comment	Response
2.	Page 5, Section 4.1.2, IRP Site 25.	Is there any underlying groundwater contamination at IRP Site 25 within the portion proposed for transfer?	No underlying groundwater contamination at IRP Site 25 is within the portion proposed for transfer.
3.	Page 8, Section 4.5, last paragraph.	The text indicates that "Fluorescent light ballasts manufactured before 1979 often contain PCB capacitors that may be disposed of as municipal solid waste." DTSC PCB advisories indicate that non-leaking PCB ballasts must be managed as a hazardous waste. DTSC recommends revising the sentence to delete "that may be disposed of as municipal solid waste."	The text of the first sentence of the last paragraph of Section 4.5 has been revised as follows in response to the comment: "Fluorescent light ballasts manufactured before 1979 often contain polychlorinated biphenyl (PCB) capacitors."
4.	Page 8, Section 4.5.2, 2 nd Sentence.	Please state that there was no evidence of a release, consistent with the information provided in Table 4.	The text of the second sentence of Section 4.5.2 has been revised as follows in response to the comment: "Transformer PCB T109 was removed during UST excavation activities related to former Tank Farm 6 (DTSC 2003c and U.S. EPA 2003), and no evidence of a release has been identified at this transformer location."

Document Title:

Draft Finding of Suitability to Transfer #7 for Carve-Outs II-F-1, II-Q, and II-V-1, Former MCAS El Toro, California (June 2011)

Reviewer: Quang Than, Department of Toxic Substances Control, Dated: August 19, 2011

Comment No.	Section/ Page No.	Comment	Response
5.	Pages 8 and 9, Section 5.1.	Section 67391.1 of title 22 of the California Code of Regulations prohibits DTSC from considering property to be suitable for transfer to nonfederal entities pursuant to 42 United States Code section 9620(h) 3-4 where hazardous materials, hazardous wastes or constituents, or hazardous substances remain at the property at levels which are not suitable for unrestricted use of land, unless an appropriate land use covenant is executed and recorded. Section 5.1 indicates that hazardous materials, hazardous wastes or constituents (petroleum and/or its derivatives) remain and ongoing petroleum corrective action is occurring. In order to adequately provide for the protection of human health and the environment, and in accordance with DTSC's land use covenant regulations, title 22, section 67391.1, DTSC recommends that a land use covenant be put in place for all of the areas identified in this FOST #7 as areas requiring petroleum restrictions (ARPRs). DTSC will withhold further comment on this section until this comment has been addressed.	<p>The former Tank Farm 555 area within CO II-F-1 is part of an on-going MNA petroleum corrective action for groundwater being overseen by the RWQCB. The RWQCB approved closure of the petroleum release to vadose zone soils on 26 January 2011. The Navy is coordinating with Orange County Health Care Agency (OCHCA) to close the tank structures in place. The boundary of CO II-F-1 was revised to exclude the former Tank Farm 555 area from FOST #7 as shown on the revised Figures 2, 3, and 6. The text, tables and attachments have also been revised to exclude the former Tank Farm 555 from FOST #7. The former Tank Farm 555 will be addressed as CO II-F-3 in a future FOST.</p> <p>The RWQCB has concurred with MNA as the groundwater petroleum corrective action for the petroleum-impacted groundwater at the former UST 398 and the MSC JP5 pipelines associated with the former Truck Fueling Area (TFA) in CO II-Q. The RWQCB approved closure of the petroleum releases to the vadose zone soils at former UST 398 and the TFA on 11 March 2011 and 17 June 2011, respectively. These sites are petroleum-only sites and there are no CERCLA hazardous substances present in the vadose zone or groundwater. The Navy is conducting long-term groundwater monitoring of the petroleum plumes at the former UST 398 and the former TFA in accordance with the MNA Long-Term Monitoring Plans, and the restrictions described in Section 5.1 will enable the Navy to complete the MNA petroleum corrective action. No changes to Section 5.1, CO II-Q will be made in response to this comment.</p>

Document Title:

Draft Finding of Suitability to Transfer #7 for Carve-Outs II-F-1, II-Q, and II-V-1, Former MCAS El Toro, California (June 2011)

Reviewer: Quang Than, Department of Toxic Substances Control, Dated: August 19, 2011

Comment No.	Section/ Page No.	Comment	Response
6.	Page 10, Underground Storage Tanks (USTs) 547 to 551.	What is the condition of the outer black tar coating on each of the USTs? Was there a release of asbestos containing material to the environment? Were soil samples taken from around the USTs and tested for asbestos? Why were the USTs not removed?	The CO boundary of Parcel II-F-1 has been revised to exclude the former Tank Farm 555 area from FOST #7. The text, tables, figures, and attachments of FOST #7 will be revised accordingly.
7.	Page 10, Section 5.2.2, Building 124.	The reference listed here shows (CABACO/Tait 1999b). Page 13 lists the date of this document as October 15, 1999. Table 5, Column 5 lists the date of this document as 7/22/99. Please reconcile.	The reference date of October 15, 1999 is correct and Table 5, Column 5 has been revised in response to the comment as "10/15/99."
8.	Page 10, Section 5.2.2, Buildings 114, 125 and 372.	Similarly, the 1999 reference listed here and on page 13 does not match the reference listed in Table 5 for Building 125. Please reconcile.	Table 5 reference date for Building 125 has been revised in response to the comment as "7/15/99."
9.	Page 10, Section 5.3.2.	There are several buildings and structures that were constructed prior to 1997 according to Table 1. Unless it is known that they were constructed after the Consumer Product Safety Commission's 1978 ban on lead based paint for residential use, they should be listed in Section 5.3.2. There is also one structure constructed prior to 1958 and several other structures built prior to 1973 according to Table 1. Why are those structures not listed in Section 5.3.2?	The restrictions in Section 5.3 have been revised in response to this comment. See response to general comment 1.

Document Title:

Draft Finding of Suitability to Transfer #7 for Carve-Outs II-F-1, II-Q, and II-V-1, Former MCAS El Toro, California (June 2011)

Reviewer: Quang Than, Department of Toxic Substances Control, Dated: August 19, 2011

Comment No.	Section/ Page No.	Comment	Response
10.	Page 11, Section 7.	The last sentence is not consistent with Sections 4.1.3 and 4.2.3, which state that there are no CERCLA/RCRA or petroleum related locations of concern (LOCs) in CO II-V-1. Why is CO II-V-1 not identified as CERCLA 120 (h)(4) property with the appropriate covenant [CERCLA 120 (h)(4)(D)(i)]?	The text in Section 7 will be revised for CO II-F-1 and CO II-V-1 in response to the comment as follows: “The deed for transfer of CO II-F-1 and CO II-V-1 on which there has been no release or disposal of hazardous substances or petroleum products or petroleum derivatives, and for which required regulatory concurrence as to such status has been obtained, will include a covenant made pursuant to CERCLA Section 120(h)(4)(D)(i). Such covenant will warrant that any response action or corrective action found to be necessary after the date of transfer shall be conducted by the U.S. This covenant shall not apply to any response action or corrective action required on the property that is a result of an act or omission of the transferee.”
11.	Page 11, Section 8.	If CO II-V-1 is identified as CERCLA 120 (h)(4) property, the CERCLA 120 (h)(4)(D)(ii) access clause should be added to this section.	The CERCLA 120 (h)(4)(D)(i) covenant will apply to CO II-F-1 and CO II-V-1. Please see response above for comment 10.
12.	Page 16, Section 10, 11 th reference.	Why is a draft final listed rather than a final document?	The draft final document became the final document in accordance with Section 7.9 of the Federal Facility Agreement for MCAS El Toro.
13.	Table 4, Page 4 of 17, IRP Site 4 and IRP Site 25, Column 4.	Why is a draft final listed rather than a final document?	Please see response above for comment 12.

Document Title:

Draft Finding of Suitability to Transfer #7 for Carve-Outs II-F-1, II-Q, and II-V-1, Former MCAS El Toro, California (June 2011)

Reviewer: Quang Than, Department of Toxic Substances Control, Dated: August 19, 2011

Comment No.	Section/ Page No.	Comment	Response
14.	Table 4, Page 4 of 17, IRP Site 4, Column 6, 2 nd Paragraph.	Based on the information provided in this paragraph it sounds as though the NFA ROD was for soil only. Is this the case? If so, what is the status of the other media (e.g., groundwater) at this site?	Please see response to specific comment number 1.
15.	Table 4, Page 7 of 17, AST 126, Columns 5 and 6.	Reference to the DTSC site closure concurrence is missing. This is not consistent with what is listed on page 6 in Section 4.2.2 for AST 126. Please reconcile.	The text on page 6 of Section 4.2.2 for AST 126 has been revised in response to the comment and for consistency with the information presented in Table 4 as follows: "AST 126 received site closure concurrence (RWQCB 2011c)."
16.	Table 4, Page 14 of 17, Oil/Water Separators (OWSs) 658C and 658D, Columns 5 and 6.	The NFA letter dates (01/08/2003) are not consistent with the date listed in the references section on page 14 (January 18, 2003). Please reconcile.	The reference on page 14 has been revised as follows in response to the comment; "2003d. <i>No Further Action Concurrence Letter for OWS 658C and 658D</i> . January 8."
17.	Table 4, Page 17 of 17, Acronyms and Abbreviations.	Please add "DON" to the list	Table 4 has been revised to incorporate the comment.
18.	Table 5, Building 125, Column 5.	The CABACO/Tait (7/22/99) reference is missing from Section 10, page 13. Please correct.	Section 10 has been revised to incorporate the reference.

Document Title:

Draft Finding of Suitability to Transfer #7 for Carve-Outs II-F-1, II-Q, and II-V-1, Former MCAS El Toro, California (June 2011)

Reviewer: Quang Than, Department of Toxic Substances Control, Dated: August 19, 2011

Comment No.	Section/ Page No.	Comment	Response
19.	Figures 3 and 6, Legend.	In the Note, please change "will remain in place" to "were abandoned in place" for consistency with page 1.	The Note refers to USTs 547 to 551 within the former Tank Farm 555. The boundary of CO II-F-1 was revised to exclude the former Tank Farm 555 from FOST #7. Figures 3 and 6 have been revised to delete the Note and to revise the boundary of CO II-F-1 to exclude the former Tank Farm 555 area from FOST #7.
20.	Figures 6 and 7.	Why are USTs shown on Figure 6, but no USTs/ASTs are shown on Figure 7?	Figures 3 and 6 have been revised to exclude the former Tank Farm 555 area from CO II-F-1. There are no remaining buildings, structures, or facilities within the revised CO II-F-1. Figure 7 also presents all the existing structures that are still in place within CO II-Q and there are no USTs/ASTs remaining within CO II-Q. For that reason, no USTs/ ASTs are shown on Figure 7.
21.	Attachment 4a, Column 9.	Please explain where this information came from and how it was determined that activities conducted at the various locations were either "not determined", "storage", "disposal", or "release". It is possible that more than one activity ("storage", "disposal", and/or "release") was conducted at a location. Where applicable, please indicate if more than one activity was determined to be conducted. Please ensure that each of the "activity(s)" listed is accurate.	The information in Attachment 4a, column 9 came from the agency concurred <i>Final Finding of Suitability to Lease, for Carve-Outs within Parcel I, II, and III, Former Marine Corps Air Station, El Toro, California (DON July 2004)</i> . The information was reviewed for accuracy, and the following revisions will be made to the activity (s) listed in column 9 of Attachment 4a: "TAA 658, AST 658, TAA 698, and TAA 779 activities in column 9 have been revised to 'S' - Storage."
22.	Attachment 4a, Page 1 of 4, PRL 127.	Column 8 shows "Unknown-1999", but Attachment 4b shows "Unknown". Please correct the inconsistency.	Attachment 4b for PRL 127 has been revised as "Unknown – 1999" in response to the comment.

Document Title:

Draft Finding of Suitability to Transfer #7 for Carve-Outs II-F-1, II-Q, and II-V-1, Former MCAS El Toro, California (June 2011)

Reviewer: Quang Than, Department of Toxic Substances Control, Dated: August 19, 2011

Comment No.	Section/ Page No.	Comment	Response
23	Attachment 4a, Page 2 of 4, PRL 372.	Column 4 shows "fuel oil", but Table 3 discusses "PCBs". Also, Column 8 shows "Unknown-1999", but Attachment 4b shows "1954-1999." Please correct the inconsistencies.	Attachment 4a and Attachment 4b have been revised in response to the comment. Attachment 4a, page 2 of 4, column 4 for PRL 372 has been revised for consistency with Table 3 information for PRL 372 to show PCBs rather than fuel oil. Attachment 4b has been revised to delete PRL 372 since PRL 372 is not a petroleum site.
24.	Attachment 4a, Page 2 of 4, AST 658.	Column 8 shows "Unknown-1999", but Attachment 4b shows "Unknown -2002". Please correct.	Attachment 4b for AST 658 has been revised to show "Unknown-1999" in response to the comment.
25.	Attachment 4b, Column 5.	Please explain where this information came from and how it was determined that activities conducted at the various sites were either "not determined" or "storage". Please also explain why none of the activities listed in Attachment 4b were identified as "release" and/or "disposal." For example, FOST #7, Table 4, indicates that a release and/or disposal occurred at USTs 547 to 551 but Attachment 4b does not. Please ensure that each "activity(s)" listed for the various sites is accurate.	<p>The information in Attachment 4b, column 5 came from the <i>Final Finding of Suitability to Lease, for Carve-Outs within Parcel I, II, and III, Former Marine Corps Air Station, El Toro, California dated 2004</i>.</p> <p>The information presented in Table 4 and Attachment 4b was verified in response to the comment.</p> <p>The purpose of Attachment 4b is to provide notification related to types of petroleum products that were stored within each CO. Table 4 provides relevant information related to the history and closure status of each Location of Concern.</p> <p>The CO boundary of Parcel II-F-1 has been revised to exclude the former Tank Farm 555 area FOST #7. Therefore, the text, tables, figures, and attachments will be revised accordingly.</p>
26.	Attachment 4b.	USTs 549 and 553 are missing from the list. Please correct.	The CO boundary of Parcel II-F-1 has been revised to exclude the former Tank Farm 555 area from FOST #7. Therefore, the text, tables, figures, and attachments will be revised accordingly.

Document Title:

Draft Finding of Suitability to Transfer #7 for Carve-Outs II-F-1, II-Q, and II-V-1, Former MCAS El Toro, California (June 2011)

Reviewer: Quang Than, Department of Toxic Substances Control, Dated: August 19, 2011

Comment No.	Section/ Page No.	Comment	Response
27.	Attachment 4a	Please ensure the notification language in 40 Code of Federal Regulations part 373.3 is prominently displayed on Attachment 4a.	In response to the comment, the following notification language from the 40 Code of Federal Regulations part 373.3 will be included in Attachment 4a under Notes: "The information contained in this Notice is required under the authority of regulations promulgated under Section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA or "Superfund") 42 U.S.C. Section 9620(h)."
	Editorial Comments		
1.	Table 3, Page 1 of 3, PRL 372, Column 6.	Please delete the extra punctuation at the end of the paragraph.	Table 3, page 1 of 3, PRL 372, column 6 has been revised in response to the comment.
2.	Table 4, Page 5 of 17, RFA 15, Column 6, Line 1.	Please make "site" plural.	The word "site" has been changed to "sites" in Table 4, page 5 of 17, RFA 15, column 6, line 1 has been revised in response to the comment.
3.	Table 4, Page 5 of 17, RFA 16, Column 6.	In line 1 please make "site" plural. In line 2, please insert the correct punctuation after "574".	The word "site" has been changed to "sites" in and the correct punctuation mark has been added after "574" in Table 4, page 5 of 17, RFA 16, column 6, line 1 in response to the comment.
4.	Table 4, Page 6 of 17, RFA 257, Column 6, Line 1.	Please make "site" plural.	The word "site" has been changed to "sites" in Table 4, page 6 of 17, RFA 257, column 6, line 1 in response to the comment.
5.	Table 4, Page 6 of 17, RFA 258, Column 6, Line 1.	Please make "site" plural.	The word "site" has been changed to "sites" in Table 4, page 6 of 17, RFA 258, column 6, line 1 in response to the comment.

Document Title:

Draft Finding of Suitability to Transfer #7 for Carve-Outs II-F-1, II-Q, and II-V-1, Former MCAS El Toro, California (June 2011)

Reviewer: Quang Than, Department of Toxic Substances Control, Dated: August 19, 2011

Comment No.	Section/ Page No.	Comment	Response
6.	Table 4, Page 8 of 17, UST 126, Column 6, Line 1.	Please correct the spelling error.	The word "removed" has been correctly spelled in Table 4, page 8 of 17, UST 126, column 6, line 1 in response to the comment.

Document Title:

Response to Comments Package on the Draft Finding of Suitability to Transfer (FOST) #7 for Carve-Outs II-F-1, II-Q, and II-V-1, Former MCAS El Toro, California (Navy November 22, 2011)

Reviewer: Quang Than, Department of Toxic Substances Control (DTSC), E-mail Message With Comments Dated: January 20, 2012.

Comment No.	Section/ Page No.	Comment	Response
1.	General Comment (GC) #1	DTSC's comment was simply to ask if lead-based paint surveys were conducted and if so what the results of the surveys were. While the Navy provided a response to DTSC's comment, DTSC did not expect the language used in the draft FOST #7 to change from language agreed to in previous FOSTs. DTSC requests that the Navy keep the language used in the draft FOST unchanged with the exception of adding information about the lead-based paint surveys.	<p>The comment will be incorporated, and the text of Section 4.4 and Section 5.3 will be revised as follows:</p> <p>1st paragraph of Section 4.4: "Notification of potential LBP at buildings is based on the age of construction (i.e., constructed before the Consumer Product Safety Commission's 1978 ban on LBP for residential use). CO II-Q contains buildings and structures that were constructed prior to 1978 and, therefore, suggests the likelihood that LBP may be present. This in turn creates the possibility that, through the action of normal weathering and maintenance, there may be lead from LBP in the soil surrounding these buildings. Construction dates for each of the buildings in CO II-Q are summarized in Table 1. There are no buildings or structures located in CO II-F-1 or CO II-V-1."</p> <p>3rd paragraph of Section 4.4: "There are no residential buildings or structures associated with FOST #7. No LBP surveys were conducted for buildings and structures associated with FOST #7. See Section 5.3 for restrictions."</p>

Document Title:

Response to Comments Package on the Draft Finding of Suitability to Transfer (FOST) #7 for Carve-Outs II-F-1, II-Q, and II-V-1, Former MCAS El Toro, California (Navy November 22, 2011)

Reviewer: Quang Than, Department of Toxic Substances Control (DTSC), E-mail Message With Comments Dated: January 20, 2012.

Comment No.	Section/ Page No.	Comment	Response
1			<p>Response to Comment 1 (continued).</p> <p>Paragraphs 5.3.1 and 5.3.2 will be replaced with the following paragraph:</p> <p>“Non-residential buildings and structures constructed prior to 1978 (Table 1) may not be used for residential use or child-occupied buildings and structures unless the transferee performs any necessary evaluation(s) and abatement in accordance with all federal, state, and local laws and other applicable requirements. This restriction applies to all buildings and structures located within CO II-Q (Table 1).”</p>

Document Title:

Response to Comments Package on the Draft Finding of Suitability to Transfer (FOST) #7 for Carve-Outs II-F-1, II-Q, and II-V-1, Former MCAS El Toro, California (Navy November 22, 2011)

Reviewer: Quang Than, Department of Toxic Substances Control (DTSC), E-mail Message With Comments Dated: January 20, 2012.

Comment No.	Section/ Page No.	Comment	Response
2.	GC #3	Similarly, DTSC is fine with the format in previous FOSTs concerning asbestos and prefers that the Navy use the previous format.	<p>The comment will be incorporated, and the text of Section 5.2 will be revised as follows:</p> <p>2nd paragraph of Section 5.2. Paragraphs 5.2.1 and 5.2.2 will be replaced with the following text:</p> <p>“Except for short-term tours and emergency maintenance, access, use, or occupancy is prohibited pending either (1) completion of ACM surveys and completion of any necessary ACM abatement by the transferee or (2) demolition by the transferee, in accordance with all applicable local, state, and federal laws and other requirements relating to asbestos or ACM. Pending completion of abatement or demolition, the transferee shall manage the ACM in accordance with all such applicable local, state, and federal laws and requirements. This restriction is applicable to all buildings and structures located within CO II-Q.”</p>
3.	GC #4	DTSC requests that this comment regarding school site considerations on any FOST #7 properties be placed in the "Unresolved Comments" section.	The comment will be incorporated. The school site considerations comment will be placed in the "Unresolved Comments" section in Attachment 2 of FOST #7.
4.	Specific Comments (SC) #5	DTSC is engaged in a dialogue with the RWQCB regarding the potential need for a land use covenant at the sites with ongoing petroleum corrective action such as former UST 398 and the MSC JP5 pipelines (associated with the former Truck Fueling Area), when these sites are transferred to a non-federal entity. DTSC will soon provide a comment on this issue.	The comment was evaluated, and Section 5.1 of FOST #7 will be revised to include a description of the DON-RWQCB covenant and environmental restriction.

Document Title:

Response to Comments Package on the Draft Finding of Suitability to Transfer (FOST) #7 for Carve-Outs II-F-1, II-Q, and II-V-1, Former MCAS El Toro, California (Navy November 22, 2011)

Reviewer: Quang Than, Department of Toxic Substances Control (DTSC), E-mail Message With Comments Dated: January 20, 2012.

Comment No.	Section/ Page No.	Comment	Response
5.	SCs #8 and #18	References to Building 125 in Section 5.2.2, on Page 13, and in Table 5 need to be correct and consistent.	The restrictions from Section 5.2.2 are now presented in Section 5.2.
6.	SC #9	SC #9: DTSC's comment still stands, i.e., there are several buildings listed in Table 1 for Carve-Out (CO) II-Q which should be listed in Section 5.3.2, the Navy's response to our SC # 9 notwithstanding. Please also refer to GC #1 above.	Section 5.3.2 has been revised to include reference to Table 1 which lists all the buildings for CO II-Q. Please see the response to Comment No. 1 (pertaining to GC #1).
7.	SC #11	According to the Navy's response to DTSC's SC # 10, COs II-V-1 and II-F-1 are indeed identified as CERCLA 120(h)(4) property with the appropriate covenants pursuant to CERCLA 120(h)(4)(D)(i). As a result, Section 8 should include the access clause for COs II-V-1 and II-F-1 pursuant to CERCLA 120(h)(4)(D)(ii).	The comment will be incorporated. Section 8 will be revised to include the access clause for COs II-V-1 and II-F-1 pursuant to CERCLA 120(h)(4)(D)(ii).
8.	SC #14	The Navy's response to DTSC's SC #1 confirms that groundwater is contaminated and there is ongoing petroleum action for groundwater beneath IRP Site 4. It is not clear in the Navy's response to this comment if any information is going to be added to Table 4. DTSC requests that information about the ongoing petroleum corrective action for groundwater beneath Site 4 be added to the table.	The comment will be incorporated. Information from the revised text of Section 4.1.2 (from the response to DTSC's SC #1) will be added to Table 4 for IRP Site 4.
9.	SC #25	DTSC requests that the last sentence on Page 3 be revised to read "Attachment 4b, the Petroleum Products Notification Table, lists the locations of concern (LOCs) associated with the storage of petroleum products only".	The comment will be incorporated. The last sentence of 1 st paragraph of Section 4 will be revised to read "Attachment 4b, the Petroleum Products Notification Table, lists the locations of concern (LOCs) associated with the storage of petroleum products only".

Document Title:

Draft Finding of Suitability to Transfer #7 for Carve-Outs II-F-1, II-Q, and II-V-1, Former MCAS El Toro, California (June 2011)

Reviewer: *Thelma Estrada, U.S. EPA Region 9, E-mail comment dated: August 22, 2011*

Comment No.	Section/ Page No.	Comment	Response
1.	Section 7 / Page 11	Covenants, the last sentence states: CO II-V-I was not impacted by petroleum or its derivatives, therefore, this CO shall be conveyed "as is" without a CERCLA covenant." The CERCLA covenants under 120(h) are for hazardous substances, not petroleum, so I am not sure what the DON means to say here.	<p>The text in Section 7 will be revised in order to incorporate the comment. Section 7 addresses both CO II-V-1 and CO II-F-1 due to recent changes to the CO II-F-1 boundary. Please see the Navy responses to DTSC specific comments 5 and 6 for additional information pertaining to changes to the CO II-F-1 boundary. The revised text follows:</p> <p>"The deed for transfer of CO II-V-1 and CO II-F-1 on which there has been no release or disposal of hazardous substances or petroleum products or petroleum derivatives, and for which required regulatory concurrence as to such status has been obtained, will include a covenant made pursuant to CERCLA Section 120(h)(4)(D)(i). Such covenant will warrant that any response action or corrective action found to be necessary after the date of transfer shall be conducted by the U.S. This covenant shall not apply to any response action or corrective action required on the property that is a result of an act or omission of the transferee."</p>

Document Title:

Draft Finding of Suitability to Transfer #7 for Carve-Outs II-F-1, II-Q, and II-V-1, Former MCAS El Toro, California (June 2011)

Reviewer: John Broderick, California Regional Water Quality Control Board, Santa Ana Region. Dated August 10, 2011

Comment No.	Section/ Page No.	Comment	Response
1.	General	<p>We have reviewed the above-referenced document, dated June 2011, which we received on July 5, 2011. This document summarizes how the requirements and notifications for hazardous substances, petroleum products, and other regulated material within the above identified carve-outs have been satisfied.</p> <p>We have no comments on this finding of suitability to transfer.</p>	Thank you for your review of this document.

ATTACHMENT 2

UNRESOLVED COMMENTS

Document Title:

Response to Comments Package on the Draft Finding of Suitability to Transfer (FOST) #7 for Carve-Outs II-F-1, II-Q, and II-V-1. Former MCAS El Toro, California (Navy, June 2011)

Reviewer: Quang Than, Department of Toxic Substances Control, Dated: August 19, 2011

Comment No.	Section/ Page No.	Comment	Response
1.	General Comment #4	<p>Please provide the following "Schools Notification" in Section 4.0 and also include the notification in Table 2:</p> <p>SCHOOL SITE CONSIDERATIONS</p> <p>If, subsequent to transfer, any portions of the property found suitable to transfer by this FOST is considered for the proposed acquisition and/or construction of school properties utilizing state funding, a separate environmental review process in compliance with the California Education Code section 17210 et seq. will need to be conducted by the transferee and approved by DTSC (Brownfields and Environmental Restoration Program). The California Education Code requires that a comprehensive evaluation of natural and manmade hazardous materials be conducted for school properties. This comprehensive evaluation requires additional investigation of hazardous materials outside the scope of CERCLA hazardous substances. This additional evaluation includes: legally applied pesticides and herbicides, imported fill materials, naturally occurring hazardous substances such as heavy metals (e.g., chromium, mercury, nickel), metalloids (e.g., arsenic, selenium), gases (e.g., methane, hydrogen sulfide), radioactive elements (e.g., radon gas) and naturally occurring petroleum deposits. The evaluation also includes ACM and lead based paint at concentrations that fall outside the scope of CERCLA. Any requirements associated with the evaluation of any property for compliance with the California Education Code are the sole responsibility of the transferee.</p>	<p>As was the case for FOST #6, FOST #7 was prepared in accordance with the most current Department of Navy (DON) Base Realignment and Closure (BRAC) Program Management Office (PMO) guidance for processing Findings of Suitability to Transfer or Lease (2008); this guidance does not require "School Site Considerations" to be included. No changes were made to the text in response to this comment.</p>

Document Title:

Response to Comments Package on the Draft Finding of Suitability to Transfer (FOST) #7 for Carve-Outs II-F-1, II-Q, and II-V-1. Former MCAS El Toro, California (Navy, November 22, 2011)

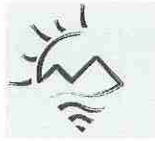
Reviewer: Quang Than, Department of Toxic Substances Control (DTSC), E-mail Message With Comments Dated: January 20, 2012.

Comment No.	Section/ Page No.	Comment	Response
1.	General Comment #4	DTSC requests that this comment regarding school site considerations on any FOST #7 properties be placed in the "Unresolved Comments" section.	As was the case for FOST #6, FOST #7 was prepared in accordance with the most current Department of Navy (DON) Base Realignment and Closure (BRAC) Program Management Office (PMO) guidance for processing Findings of Suitability to Transfer or Lease (2008); this guidance does not require "School Site Considerations" to be included. No changes were made to the text in response to this comment.

ATTACHMENT 3
AGENCY CORRESPONDENCE



Linda S. Adams
Acting Secretary for
Environmental Protection



Department of Toxic Substances Control

Deborah O. Raphael, Director
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Edmund G. Brown Jr.
Governor

August 2, 2012

James P. Werkmeister, P.E.
Director of Land Development
Five Point Communities
25 Enterprise, Suite 400
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CORRECTION TO JULY 30, 2012 LETTER TO CLARIFY CORRECTIVE ACTION
OBLIGATIONS FOR PROPERTY ASSOCIATED WITH FOST NO. 7, FORMER MCAS
EL TORO, ORANGE COUNTY, CALIFORNIA

Dear Mr. Werkmeister:

The purpose of this letter is to correct a statement made in the subject letter issued by the Department of Toxic Substances Control (DTSC) to you on July 30, 2012.

In that letter, the second and the third sentences of the last full paragraph on Page 2 should read: ***"The deed for transfer of Carve-Outs (COs) II-F-1 and II-Q will include a covenant made pursuant to CERCLA 120(h)(3). The deed for transfer of CO II-V-1 will include a covenant made pursuant to CERCLA 120(h)(4)."***

DTSC apologizes for any inconvenience this error may have caused. Please contact Daniel T. Ward at (916) 255-3676 if you have questions regarding the correction or the investigation or cleanup conducted on the property associated with FOST #7.

Sincerely,

Raymond Leclerc, P.E.
Assistant Deputy Director
Brownsfield and Environmental Restoration Program

cc: Please see next page.

cc: Continued.

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cc: Continued on the next page.

cc: (via e-mail) Continued.

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Department of Toxic Substances Control

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Edmund G. Brown Jr.
Governor

July 30, 2012

James P. Werkmeister, P.E.
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CLARIFICATION OF CORRECTIVE ACTION OBLIGATIONS FOR PROPERTY ASSOCIATED WITH FOST #7, FORMER MCAS EL TORO, ORANGE COUNTY, CALIFORNIA

Dear Mr. Werkmeister:

The purpose of this letter is to clarify the Department of Toxic Substances Control (DTSC) position regarding the applicability of Resource Conservation and Recovery Act (RCRA) corrective action obligations at the former Marine Corps Air Station (MCAS) El Toro. Former MCAS El Toro is located in central Orange County, California and was operationally closed in July 1999. Through the Base Realignment and Closure (BRAC) process, the Department of the Navy (Navy) has transferred by deed certain former MCAS El Toro real property. Other real property has been retained by the Navy, pending "environmentally suitable for transfer" designation. The Navy currently proposes to transfer approximately 150 acres to Heritage Fields El Toro, LLC, as described in its administrative Finding of Suitability to Transfer (FOST) #7 document. Upon conveyance, the obligations to perform "corrective action" (environmental cleanup) under RCRA, to address releases of hazardous constituents from Navy activities will not be the responsibility of subsequent property owners, except as otherwise qualified in this letter.

Former MCAS El Toro was a hazardous waste facility that previously operated under a RCRA Part B permit issued to the United States Marine Corps. That permit expired on August 18, 2003. As the owner and operator of a hazardous waste facility that had a RCRA Part B permit, the Navy was required to conduct "corrective action" (environmental cleanup) for all releases of hazardous constituents at the facility, which includes all contiguous property that was or is owned or operated by the federal government at former MCAS El Toro. RCRA corrective action applies to a broad range

of solid waste and associated hazardous constituent releases and is not limited to "hazardous substances," defined in the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). All spills of fuel, oil, and hazardous chemicals are subject to RCRA corrective action.

A Federal Facility Agreement (FFA) for former MCAS El Toro is in place, which was signed by the Navy, the United States Environmental Protection Agency, DTSC, and the California Regional Water Quality Control Board, Santa Ana Region (RWQCB) in 1990. Under the FFA, the Navy is responsible for, among other things, conducting its cleanup in a manner that integrates, to the extent possible, the legal requirements of CERCLA and RCRA.

Under Section 120(h)(3)(A) of CERCLA (42 U.S.C. § 9620(h)(3)(A)), the Navy may transfer ownership of portions of former MCAS El Toro when it can make a covenant warranting that all necessary remedial action has been taken to protect human health and the environment and that any additional remedial action found to be necessary after the date of such transfer shall be conducted by the Navy. Additionally, under Section 120(h)(4)(D) of CERCLA (42 U.S.C. § 9620(h)(4)(D)), the Navy may transfer ownership of portions of former MCAS El Toro that have been identified as uncontaminated property pursuant to Section 120(h)(4)(A) of CERCLA (42 U.S.C. § 9620(h)(4)(A)), when it, among other things, includes a covenant warranting that any response action or corrective action found to be necessary after the date of such transfer shall be conducted by the Navy.

DTSC has reviewed the Navy's FOST #7 and concurs that the subject property, which consists of Carve-Outs II-F-1, II-Q, and II-V-1, is suitable for transfer. The deed for transfer of Carve-Out (CO) II-Q will include a covenant made pursuant to CERCLA 120(h)(3). The deed for transfer of COs II-F-1 and II-V-1 will include a covenant made pursuant to CERCLA 120(h)(4). CO II-Q includes two sites with ongoing petroleum corrective action for groundwater: Former Underground Storage Tank (UST) 398 and the Miscellaneous (MSC) Jet Propulsion Fuel, Grade 5 (JP5) Pipelines with the associated Truck Fueling Area (TFA). In order to limit the exposure to petroleum and its derivatives and to maintain the integrity of the corrective action until corrective action is complete, land use restrictions for these two sites will be incorporated into and implemented through two separate legal instruments: (1) a quitclaim deed(s) between the Navy and the transferee and (2) a Covenant and Environmental Restriction on Property (CERP) between the Navy and the RWQCB, pursuant to California Civil Code Section 1471 and California Water Code Section 13304. The CERP will restrict activities specified in Section 5.1.1 of FOST #7, as will the deed(s) between the Navy and the transferee.

This letter constitutes DTSC's commitment that it will not name Heritage Fields El Toro, LLC, or its affiliated entities, or any other subsequent owner of the subject property

(COs II-F-1, II-Q, and II-V-1) at former MCAS El Toro as an owner or operator of the RCRA facility, or otherwise seek to impose obligations associated with the expired hazardous waste facilities permit, except as otherwise qualified in this letter.

If previously unknown or new contamination resulting from Navy activities is found on the subject property, DTSC reserves its right to pursue the military or others it deems responsible parties to complete any removal, remedial or corrective action it deems necessary. DTSC would first look to the Navy to investigate and conduct any necessary remedial action consistent with the FFA and CERCLA Section 120(h) (42 U.S.C. § 9620(h)). In the event that previously unknown or new contamination is found on the subject property, DTSC will convene a meeting of all potentially responsible parties to attempt to work with these parties to ensure all necessary response actions are conducted. As a matter of general policy, DTSC would not pursue subsequent owners, lessees or tenants as long as: they do not exacerbate or contribute to any existing contamination; their operations would not result in health risks to persons on the site; they allow access for, and do not interfere with, on-going or new, removal, remediation, or corrective action activities deemed necessary by DTSC; and unauthorized disposal is not occurring on the site.

DTSC is pleased that it can assist in fostering the redevelopment and environmentally safe reuse of this property at the former MCAS El Toro. Please contact me if you have further questions about this letter. Please contact Daniel Ward at (916) 255-3676 if you have questions regarding the investigation or cleanup conducted on the subject property.

Sincerely,



Raymond Leclerc, P.E.
Assistant Deputy Director
Brownsfield and Environmental Restoration Program

cc:

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cc: Continued

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cc: (via e-mail) Continued on the next page.

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Edmund G. Brown Jr.
Governor

July 27, 2012

Mr. James Callian
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CONCURRENCE WITH FINAL FINDING OF SUITABILITY TO TRANSFER #7 FOR
CARVE-OUTS II-F-1, II-Q, AND II-V-1, FORMER MARINE CORPS AIR STATION
(MCAS) EL TORO, IRVINE, CALIFORNIA (SITE CODE: 400055)

Dear Mr. Callian:

The California Department of Toxic Substances Control (DTSC) has reviewed the *Final Finding of Suitability to Transfer #7 for Carve-Outs II-F-1, II-Q, and II-V-1, Former Marine Corps Air Station El Toro, California (FOST #7)*, which was dated July 2012 and received in electronic format on July 26, 2012. FOST #7 provides environmental findings that establish Carve-Outs (COs) II-F-1, II-Q, and II-V-1 as being suitable for transfer. These three COs comprise approximately 150 acres at the former MCAS El Toro. DTSC concurs that the property associated with FOST #7 can be transferred with the specified notifications, restrictions, and covenants, and in a manner that is protective of human health and the environment.

DTSC commented on the Draft and Pre-Final versions of FOST #7 and the Navy has satisfactorily responded to the comments. Based on our review of the electronic final version, DTSC determines that the response to our comments has been adequately incorporated into the report. As a result, DTSC concurs with the FOST #7 report and accepts it as written.

Mr. Callian
July 27, 2012
Page 2 of 3

Thank you for providing DTSC with the opportunity to review and comment on the FOST #7 report. If you have any questions about this concurrence, please contact me at (714) 484-5352 or qthan@dtsc.ca.gov.

Sincerely,



Quang Than
Remedial Project Manager
Brownfields and Environmental Restoration Program

rs/qt

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street

San Francisco, CA 94105-3901

M60050.001038

DUPLICATE

MAR 24 1995

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Director Environmental Division
Southwest Division
Naval Facilities Engineering Command
1220 Pacific Highway
San Diego, CA 92132-5190

Mr. Joseph Joyce
BRAC Environmental Coordinator
Environment and Safety (Code 1AU)
MCAS EL Toro
P.O. Box 95001
Santa Ana, CA 92709-5001

RE: Marine Corps Air Station El Toro Uncontaminated Property
Identification

Gentlemen,

Your letter dated November 11, 1994 requested EPA's concurrence on the Navy/Marine Corps' "uncontaminated" property determination for Marine Corps Air Station (MCAS) El Toro in accordance with the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), Section 120(h)(4). Section 120(h)(4) was added to CERCLA as part of the Community Environmental Response Facilitation Act (CERFA). Additional information was received March 21, 1995 which clarified your identification.

Based on our review of the draft Environmental Baseline Survey (EBS) dated November 11, 1994, the MCAS El Toro Installation Restoration Program CERFA Technical Memorandum dated March 1, 1995, the Navy/Marine Corps' draft Responses to EPA Comments on the draft EBS received on March 21, 1995, a revised draft Map of Proposed CERFA-Eligible Areas received on March 21, 1995, and without any independent investigation or verification of the information contained therein, the undersigned concurs, as provided below, in the uncontaminated areas as identified in the Map entitled "Figure 1, Proposed CERFA-Eligible Areas, MCAS El Toro" submitted by the Navy/Marine Corps in accordance with the provisions of Section 120(h)(4)(A) of CERCLA. The review of the EBS and supplemental

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information was undertaken pursuant to Section 120(h)(4)(B) and the sole purpose of the concurrence is to satisfy the requirements of that provision. The undersigned expressly reserves all rights and authorities relating to information not contained in the EBS, whether such information is known as of this date, or is discovered in the future.

Your letter dated November 11, 1994 also requested EPA's concurrence on areas that cannot be considered uncontaminated pursuant to CERCLA Section 120(h)(4) but may be considered eligible for transfer. The purpose of this letter is to satisfy the requirements of Section 120(h)(4)(A) of CERCLA only. Concurrence from EPA on other areas that may be eligible for transfer will be provided during the review process of the Finding of Suitability to Transfer and Finding of Suitability to Lease documents.

Discussions with the Navy/Marine Corps, EPA, and the State of California have resulted in revisions to the identification of uncontaminated property provided by the Navy/Marine Corps on November 11, 1994. These revisions have been documented in "Figure 1, Proposed CERFA-Eligible Areas, MCAS El Toro" and in the Response to EPA Comments received by EPA on March 21, 1995.

For clarification purposes, the undersigned notes that some Locations of Concern (LOCs) identified as uncontaminated in the draft EBS (Table 4-2) dated November 11, 1995 were not identified as uncontaminated by the Navy/Marine Corps in the March 21, 1995 submittals because they overlie groundwater contamination as represented in "Figure 1, Proposed CERFA-Eligible Areas" received on March 21, 1995. The following LOCs were not identified as uncontaminated: SWMU/AOC 74, 178, 210, 216, 268, 299, 304, 306, & 274 (petroleum products are stored at 274). In addition, SWMU/AOC 141, originally identified as uncontaminated in the draft EBS, was not identified as uncontaminated by the Navy/Marine Corps in the March 21, 1995 submittals because it is within a non CERFA-eligible area of the airfield.

Also, for clarification purposes, the undersigned notes that the current and former ordnance storage bunkers originally identified as uncontaminated in the draft EBS were not identified as uncontaminated by the Navy in the March 21, 1995 submittals because of the storage of hazardous substances (ordnance) that occurred at these bunkers.

Property identified as uncontaminated may have had pesticides or herbicides containing hazardous substances applied on it. In addition, lead-based paint, asbestos, or household products

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containing hazardous substances may have been present on this property. Further, some of this property may have been impacted by releases of petroleum products as evidenced by stained pavement. We have concluded that the property that we are concurring on can be considered uncontaminated pursuant to CERCLA 120(h)(4) because the information provided by the Navy does not indicate that any levels of hazardous substances or petroleum products on this property pose a threat to human health or the environment.

We would like to commend the Navy for its cooperation with us and the State of California in making the CERPA identification process successful.

If you would like to discuss the details of this letter, please call John Kemmerer, Chief, Base Closure Programs, at 415-744-2241.

Sincerely,



Julie Anderson, Director
Federal Facilities Cleanup Office

cc: David Wang, CAL EPA

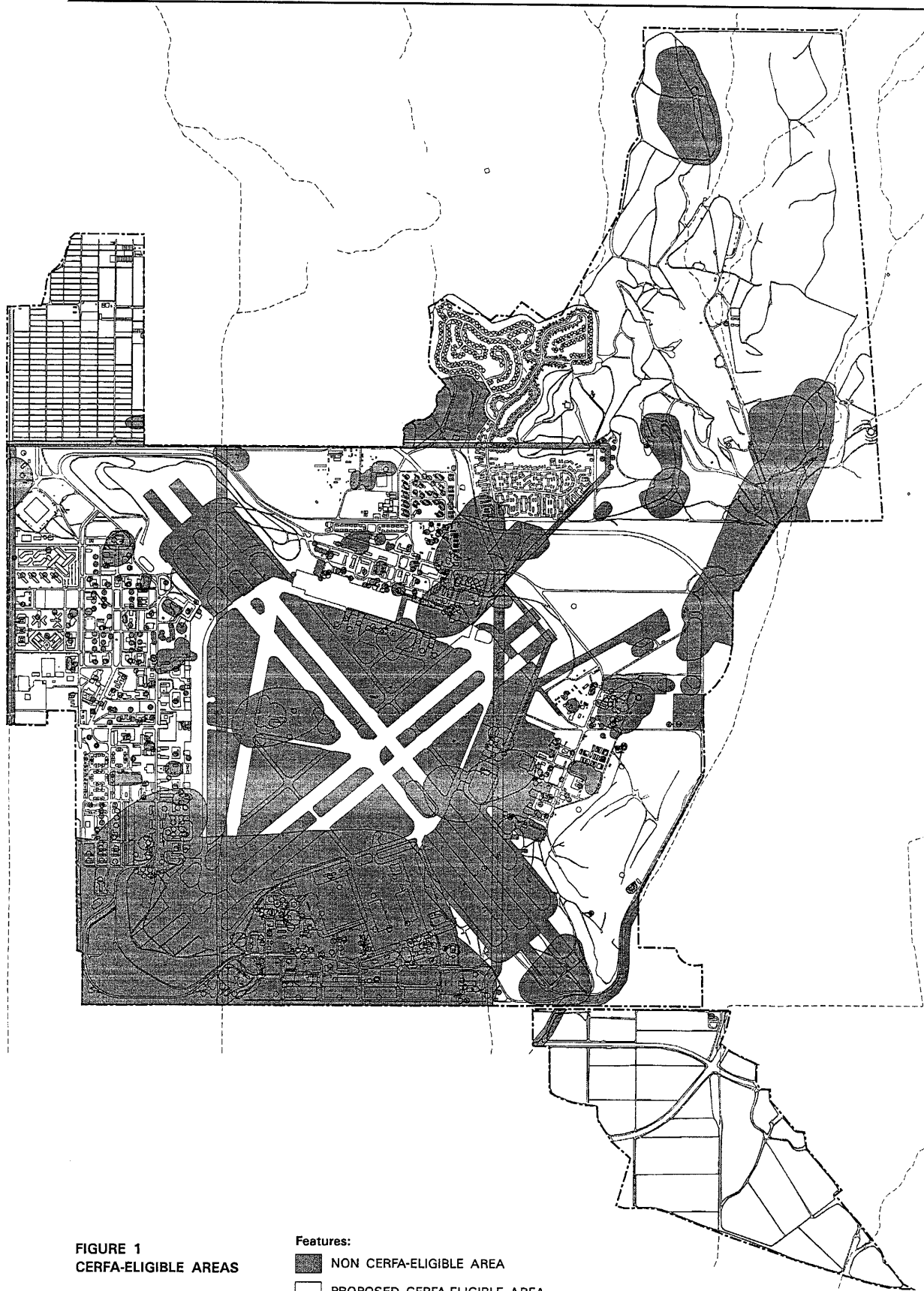


FIGURE 1
CERFA-ELIGIBLE AREAS

MCAS El Toro
01 April 1995

- Features:**
- NON CERFA-ELIGIBLE AREA
 - PROPOSED CERFA-ELIGIBLE AREA
 - BUILDING OR PAD
 - ROAD OR AIRFIELD
 - WASH OR STREAM
 - MCAS BOUNDARY

0 750 1500 3000
SCALE IN FEET

ATTACHMENT 4

4a–HAZARDOUS SUBSTANCES NOTIFICATION TABLE

4b–PETROLEUM PRODUCTS NOTIFICATION TABLE

Attachment 4a: Hazardous Substances Notification Table

Carve-Out ID	Building/Structure Number	Area Type ID	Hazardous Substances ^{(a)(c)}	Reportable Quantity (Lb/year) ^(b)	CAS Number	RCRA Waste Code	Dates of Operation	Activities Conducted at Site
Carve-Out II-Q								
II-Q	114	PRL 114	Solvents	N/A	N/A	N/A	Unknown-1999	ND
II-Q	114	APHO 100	Unknown	N/A	N/A	N/A	Unknown	ND
II-Q	114	PCB T14	PCBs	N/A	N/A	N/A	Unknown-1999	S
II-Q	114	RFA 13	Unknown	N/A	N/A	N/A	Unknown-1999	S
II-Q	125	PCB T20	PCBs	N/A	N/A	N/A	Unknown-1999	S
II-Q	125	PCB T21	PCBs	N/A	N/A	N/A	Unknown-1999	S
II-Q	127	PRL 127	Petroleum products and hazardous substances	N/A	N/A	N/A	Unknown-1999	ND
II-Q	127	RFA 40	Substances associated with drum storage areas	N/A	N/A	N/A	Unknown-1999	S
II-Q	127	RFA 41	Washwater from vehicles	N/A	N/A	N/A	Unknown-1999	D
II-Q	208	Non-Trans 208	PCBs	N/A	N/A	N/A	Unknown-1999	S
II-Q	235	PRL 235	Lead and other metals	N/A	N/A	N/A	Unknown-1999	ND
II-Q	372	PCB T58	PCBs	N/A	N/A	N/A	1954-1994	S
II-Q	372	APHO 98	Unknown	N/A	N/A	N/A	Unknown	ND
II-Q	372	Non-Trans 372	PCBs	N/A	N/A	N/A	Unknown-1999	S
II-Q	372	PRL 372	PCBs	N/A	N/A	N/A	Unknown-1999	S
II-Q	378	PCB T60	PCBs	N/A	N/A	N/A	1954-1994	S

Attachment 4a: Hazardous Substances Notification Table

Carve-Out ID	Building/Structure Number	Area Type ID	Hazardous Substances ^{(a)(c)}	Reportable Quantity (Lb/year) ^(b)	CAS Number	RCRA Waste Code	Dates of Operation	Activities Conducted at Site
II-Q	Former JP5 Fueling Station 574	RFA 16	Washwater from vehicles	N/A	N/A	N/A	Unknown-1999	D
II-Q	Former JP5 Fueling Station 575	RFA 257	Washwater from vehicles	N/A	N/A	N/A	Unknown-1999	D
II-Q	Former JP5 Fueling Station 576	RFA 15	Washwater from vehicles	N/A	N/A	N/A	Unknown-1999	D
II-Q	Former JP5 Fueling Station 577	RFA 258	Washwater from vehicles	N/A	N/A	N/A	Unknown-1999	D
II-Q	658	TAA 658	Substances associated with less than 90-day accumulation of wastes	N/A	N/A	N/A	Unknown-1999	S
II-Q	658	AST 658	Ferrocene	N/A	N/A	N/A	Unknown-1999	S
II-Q	658	OWS 658C	Oil/water	N/A	N/A	N/A	1972-1999	S
II-Q	658	OWS 658D	Oil/water	N/A	N/A	N/A	1995-1999	S
II-Q	658	OWS 658E	Oil/water	N/A	N/A	N/A	Unknown-1999	S
II-Q	658	PRL 658	Waste JP5	N/A	N/A	N/A	Unknown-1999	S
II-Q	658	PCB T89	PCBs	N/A	N/A	N/A	Unknown-1999	S
II-Q	698	TAA 698	Substances associated with materials storage	N/A	N/A	N/A	Unknown-1999	S
II-Q	716	UST 716A	Waste oil	N/A	N/A	N/A	1976-1998	S
II-Q	716	PRL 716	Waste JP5	N/A	N/A	N/A	Unknown-1999	ND
II-Q	716	OWS 716B	Oil/oily water	N/A	N/A	N/A	1976-1988	S
II-Q	716	PCB T94	PCBs	N/A	N/A	N/A	Unknown-1999	S

Attachment 4a: Hazardous Substances Notification Table

Carve-Out ID	Building/Structure Number	Area Type ID	Hazardous Substances ^{(a)(c)}	Reportable Quantity (Lb/year) ^(b)	CAS Number	RCRA Waste Code	Dates of Operation	Activities Conducted at Site
II-Q	747	PRL 747	Waste fuels	N/A	N/A	N/A	Unknown-1999	ND
II-Q	763	RFA 210	Solvents, waste oil	N/A	N/A	N/A	Unknown-1999	D
II-Q	763	UST 763B	Waste Oil	N/A	N/A	N/A	1982-1999	S
II-Q	763	OWS 763A	Oily water	N/A	N/A	N/A	1982-1999	S
II-Q	779	TAA 779	Substances associated with less than 90-day accumulation of wastes	N/A	N/A	N/A	Unknown-1999	S
II-Q	923	PRL 923	Drop tank rinse area	N/A	N/A	N/A	Unknown-1999	S
II-Q	N/A	IRP 4	Ferrocene and oily discharges from Building 658	N/A	N/A	N/A	1983	R
II-Q	T-6	UST T-6	Waste JP5	N/A	N/A	N/A	1988-1996	S
II-Q	T-7	UST T-7	Waste JP5	N/A	N/A	N/A	1988-1999	S
II-Q	T-8	UST T-8	Waste JP5	N/A	N/A	N/A	1988-1999	S
II-Q	T-9	UST T-9	Waste JP5	N/A	N/A	N/A	1988-1999	S
II-Q	N/A	IRP 25	Substances associated with storm water discharges and drainage channels	N/A	N/A	N/A	Unknown-1999	R
II-Q	Agua Chinon Wash	APHO 25	Unknown	N/A	N/A	N/A	Unknown	ND
II-Q	Tank Farm No. 5	APHO 50	Unknown	N/A	N/A	N/A	Unknown	ND
II-Q	Tank Farm No. 6	PCB T109	PCBs	N/A	N/A	N/A	Unknown-1999	S

Notes:

- (a) This table was prepared in accordance with 40 Code of Federal Regulations (CFR) 373.3 and 40 CFR 302.4. The information contained in this Notice is required under the authority of regulations promulgated under Section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA or "Superfund") 42 U.S.C. Section 9620(h). The substances which do not have chemicals-specific break down (and associated annual reportable quantity) are not listed in 40 CFR 302.4, and therefore have no corresponding Chemical Abstracts Services (CAS) number, no regulatory synonyms, no Resource, Conservation, and Recovery Act (RCRA) waste numbers, and no reportable quantities.
- (b) Reportable Quantity
For Buildings with chemical-specific break down and associated reportable quantity, the information was obtained from the Air Emissions Source Survey, Final Submittal, MCAS El Toro. The reportable quantity was assumed to be the estimate of the air emissions value that was calculated based on a quantity used during the year. For non-volatile organic compounds (VOCs), the specific chemicals are listed and the quantity is unknown.
- (c) The Property may contain pesticide residue from pesticides that have been applied in the management of the Property. The Grantor knows of no use of any registered pesticide in a manner inconsistent with its labeling and believes that all applications were made in accordance with the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA – 7 U.S.C. Sec 136, et seq.), its implementing regulations, and according to the labeling provided with such substances. It is the Grantor's position that it shall have no obligation under the covenants provided pursuant to Section 120(h)(3)(A)(ii) of the CERCLA of 1980, 42 U.S.C. Section 9620(h)(3)(A)(ii), for the remediation of legally applied pesticides.

Sources: Earth Tech 2003, Radian 1996.

Acronyms and Abbreviations:

APHO	=	aerial photograph feature/anomaly
AST	=	aboveground storage tank
CAS	=	Chemical Abstracts Services
CERCLA	=	Comprehensive Environmental Response, Compensation and Liability Act
CFR	=	Code of Federal Regulations
D	=	disposal of wastes
ID	=	Identification
FIFRA	=	Federal Insecticide, Fungicide, and Rodenticide Act
IRP	=	Installation Restoration Program
JP5	=	Jet propulsion fuel, grade 5
Lb	=	pound
MCAS	=	Marine Corps Air Station
N/A	=	not applicable
ND	=	operations at site are not determined
No.	=	number
Non-Trans	=	non transformer PCB containing equipment/items
OWS	=	oil/ water separator
PCB	=	polychlorinated biphenyls
PRL	=	potential release location
R	=	release
RCRA	=	Resources Conservation and Recovery Act
RFA	=	RCRA facility assessment
S	=	storage of hazardous material or waste
TAA	=	temporary accumulation area
U.S.C	=	United States Code
UST	=	underground storage tank
VOCs	=	volatile organic compounds

Attachment 4b: Petroleum Products Notification Table

Carve-Out ID	Area Type ID	Petroleum Products*	Dates of Operation	Activities Conducted At Site
Carve-Out II-Q				
II-Q	MSC JP5	JP5	Unknown-1999	S
II-Q	UST 114A	Fuel oil	1966-1991	S
II-Q	UST 114B	Diesel	1966-1991	S
II-Q	UST 114C	Fuel oil	1966-1991	S
II-Q	AST 126	Oil	Unknown - 1999	S
II-Q	UST 126	Diesel	Unknown - 1996	S
II-Q	UST 204	Diesel	1943-1999	S
II-Q	UST 205	Recovered JP5	1943-1997	S
II-Q	UST 206	Unleaded gasoline	1945-1999	S
II-Q	UST 207	Unleaded fuel	1943-1998	S
II-Q	UST 208	Aviation gas	1943-1996	S
II-Q	UST 209	Aviation gas	1943-1996	S
II-Q	UST 210	Aviation gas, JP5	1943-1996	S
II-Q	UST 211	Aviation gas	1943-1996	S
II-Q	UST 212	Aviation gas, JP5	1943-1996	S
II-Q	UST 213	Aviation gas	1943-1996	S
II-Q	UST 214	Aviation gas, JP5	1943-1996	S
II-Q	UST 215	Aviation gas	1943-1996	S
II-Q	AST 372	Diesel	1954-1999	S
II-Q	UST 372A	Diesel	1954-2000	S
II-Q	UST 372B	Diesel	1954-1994	S
II-Q	UST 398	JP5	1956-1993	S
II-Q	AST 658	Ferrocene	Unknown - 1999	S
II-Q	UST 658A	JP5	1972-1998	S
II-Q	UST 658B	JP5	1972-1998	S
II-Q	UST 902A	JP5	1993-2000	S
II-Q	UST 902B	JP5	1993-2000	S
II-Q	UST 902C	JP5	1993-2000	S

Notes:

* Includes only petroleum products which fall within the scope of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Petroleum exclusion set forth in CERCLA Section 101(14).

Source: Earth Tech 2003.

AST = aboveground storage tank
 CERCLA = Comprehensive Environmental Response, Compensation, and Liability Act
 ID = identification
 JP5 = jet propulsion fuel, grade 5
 MCAS = Marine Corps Air Station
 MSC = miscellaneous
 S = storage of hazardous material or waste
 UST = underground storage tank